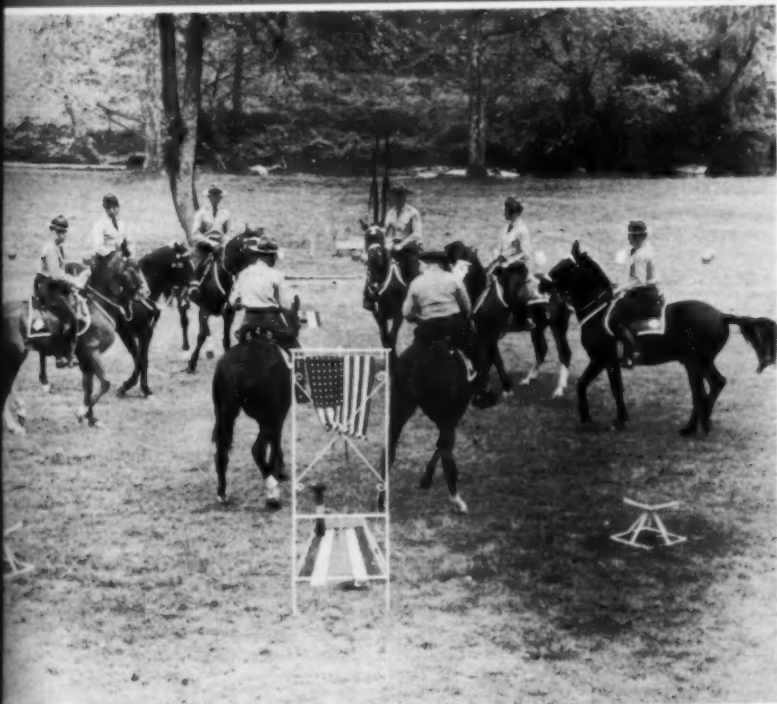


# LAW <sup>AND</sup> ORDER

Vol. 4

July, 1956

No. 7



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features



The Law of Evidence

The Wiretap Issue

Comments on Forgery

Notes on Irresistible Impulse

Guest Editorial

Victor E. Anderson  
Governor of Nebraska

Youth Safety

Junior Police

INDEPENDENT, PROFESSIONAL MAGAZINE FOR ALL CONCERNED WITH THE BUSINESS OF LAW ENFORCEMENT

# POLICE RADAR DROPS DEATH TOLL

## POLICE RADAR CREDITED WITH DROP IN DEATHS

Radar, a wartime developed detection device, has been aimed at highway

ENFORCEMENT OFFICIALS CREDIT  
**ELECTRO-MATIC®**  
**RADAR SPEED METER**  
WITH CUTTING HIGHWAY  
DEATH TOLL

### NATIONWIDE SURVEY CITES RADAR

Most reports from states using Electro-Matic Radar Speed Meter say it's cutting down accidents. The latest state to install it and the state which pioneered radar's use in patrolling highways are equally enthusiastic about the results, an Associated Press survey found.

Virginia State Police, one of the first users of radar, in an expanded program credit radar for the reduction in the death toll on the Fourth of July weekend. There were only 7 deaths this year compared to 21 last year.

Radar Speed Meters have been used for a year by the



Kansas highway patrol. They note a 12 per cent reduction in traffic fatalities and conservatively say radar "may have played some part."

Mississippi State Police credit radar with a 77 per cent reduction in traffic accidents.

### HOW THE SPEED METER WORKS

Continuous speed measurements of vehicles approaching or receding in the path of a radar beam are taken directly with the Model S-2 Speed Meter. Speed readings are plainly and directly indicated in miles per hour, day or night and under all weather conditions, on the illuminated meter scale or on the chart of the auxiliary Graphic Recorder.



Readings of speeds up to 100 mph are accurate within 2 mph. The Speed Meter can be set up and operating in less than three minutes on either car battery or 120 volt A.C. power. A single ON - OFF switch is the only control necessary for operation.

Either one-man or two-man usage of the S-2 Speed Meter is practical. Under the one-man system the Transmitter-



Receiver Unit is connected by a small cable to the Indicator Unit at the point down the road where the officer is stationed. Departments that favor two-man usage utilize two cars, the first car mounts the Radar Speed Meter and is in radio-telephone communication with the intercepting car at a suitable location down the road.

### MANY ADVANTAGES OFFERED

1. Police can check far more vehicles than with a cruiser car.
2. Hazards to pursuing officers and motorists are eliminated.
3. It is effective day and night and in all weather.
4. Psychological deterrent to would-be speeders.
5. Portable for spot checking.
6. Ideal for investigating complaints of neighborhood speeding.
7. Either one-man or two-man usage of the Speed Meter can be employed.

For full details on how the Radar Speed Meter can help cut highway deaths in your town, write to the attention of Mr. N. Hansen, for Bulletin R-102A.



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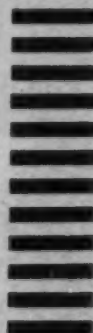
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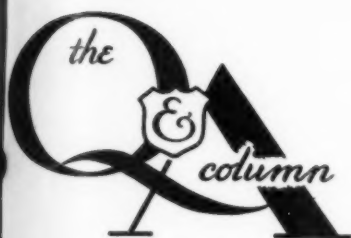
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Compiled by

**John I. Schwarz,**

*Chief of Police, Easton, Penna.*

- Q. May it be presumed that a crime by a married woman in the presence of her husband, was under his coercion?
- A. This presumption may be assumed, but it is not conclusive and may be disputed by evidence to the contrary.
- Q. On a charge of arson, may evidence that property which was in the house prior to burning, and later found in possession of the prisoner, raise a presumption that he was present, or concerned in the offense?
- A. Yes.
- Q. Is possession of the fruits of crime, recently after its commission, prima facie evidence of guilty possession?
- A. Yes.
- Q. On a charge of murder, may malice be presumed from the fact of killing, unaccompanied with circumstances of extenuation?
- A. Yes. The burden of disproving malice is thrown upon the accused.
- Q. Should an insane person escape an asylum and remain at liberty for a period of time, does the law presume that he is sane?
- A. No, he is presumed to be insane until released by proper authority.
- Q. May it be presumed that possession of personal property, where there is no evidence explaining its nature, is prima facie proof of ownership?
- A. Possession is sufficient to justify an inference of ownership.
- Q. In a criminal prosecution where does the burden of proof rest, on the prosecution or defense?
- A. The burden is on the prosecution to make out a prima facie case, including the intent.
- Q. Does the burden of proof shift from the prosecution to the defense?
- A. No.
- Q. Is the prosecution, under the burden of proof rule, required to prove motive to show a complete crime?
- A. No, but it is very helpful.
- Q. In a prosecution for statutory rape, is the burden of showing the prosecutrix was of previous unchaste character on the defendant or on the state?
- A. The burden is on the defendant.
- Q. In a criminal case, where an alibi is offered as a defense, who has the burden of proving or disproving the alibi?

(Continued on Page 27)

# LAW AND ORDER

AN INDEPENDENT, PROFESSIONAL MAGAZINE FOR ALL CONCERNED WITH THE BUSINESS OF LAW ENFORCEMENT

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An eight-man rodeo team of Pennsylvania State Troopers put their mounts through part of their schooled maneuvers.

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## GUEST EDITORIAL

### Victor E. Anderson

**M**UCH OF THE SUCCESS of the law enforcement depends on the knowledge and understanding between the enforcing agencies and the public-at-large. To accomplish this, you must have two essentials—an informed public and efficient well-trained officers. The officers, themselves, need to be well-informed. They must know of the current need and problems. They must understand their responsibilities and the kind and quality of service to render in all circumstances. Their allegiance must not only be to their superior officers; but, to their employer, the Public. They must apprehend and bring law violators to justice; but, the administering of justice is left to the prosecutor, the judge and the jury.

The principle of "Equality Before the Law" must guide their every act. They must know that to earn the respect of the public, their individual character and activities must be above reproach and without price. They must cooperate with all other law enforcement agencies—Local, State and National.

Specialized training is very essential in our modern time and officers need training in first aid in order to care for the injured during emergencies. Specialized training is now required in available equipment and laboratory facilities which must be applied with equal



Governor of Nebraska

order and zeal in securing evidence to protect the innocent as well as to convict the guilty.

The public can greatly assist in their own protection by, first, informing themselves of what the laws are and, then, not only obey them—but, assist the officers charged with enforcement to operate them. Every citizen should understand the qualifications, training, integrity and performance standards of the officers working for them—whether it be to deter the criminal element or to curb the common errant driver or, simply, control and provide for the orderly and smooth flow of traffic. All are a means of providing the protection of rights and privileges which they themselves want and need. In this manner, then, there is an informed public . . . which is a supporting public . . . with better understanding and greatly increased safety.



*Victor E. Anderson*

# Youth Safety



by  
**Berton McLain, Jr., Chief of Police**  
**Whitefield, N. H.**

Whitefield, N. H. is a typical small New England town with a population of 1900. When I was appointed chief one of the first observations that I noted was the complete disregard for the rules of safety that school children displayed. They were in the habit of crossing streets at any point they pleased.

I visited the school and had a conference with the principal. The outcome of our chat was the organization of a school safety patrol. The patrol consisted of students of the seventh and eighth grades who had a scholastic average of eighty five or better.

From this group of students, one captain and one lieutenant was elected by ballot. Weekly meetings were held in the police courtroom with the captain of the patrol presiding. I "sat in" to see that things were all right. By-laws were written and equipment was issued to the members with the understanding that they were to be held responsible for it and if any piece was lost or misplaced they would buy a replacement.

At the end of each school year, awards are given to the members for attendance, behavior and leadership. The formation of a school safety patrol that functions successfully is a great satisfaction to any chief. This is our fourth year and the patrol is still going strong and getting better every year.

Another worthwhile project is the bicycle safety program. Every year on May 1st all the bicycles in town must display a license plate. This plate is obtained by bringing the bicycle to the police station where it is given a through inspection. If it is mechanically fit, a license plate is issued for the bicycle. At the time of registration a copy of the rules and regulations is given each owner. To make sure they have learned the rules, during the year they are stopped while riding for a "spot check."

The school safety patrol assists in tracking down violators. They are brought before me and are given a ticket for the first violation. When a youngster has four violation tickets it means the loss of his bicycle for a period of three weeks. If a bicycle is stolen, a report is sent to the members of the patrol and if the person is caught with the missing bicycle, his sentence is to be the loss of his own bicycle if he has one. If not, other penalties are invoked.

Recently we started a gun safety program at school. Classes are held twice a week and any student over twelve years old may enroll for the course if he wishes. To date fifty-three students have taken the entire course and forty-six have passed it. I have yet to take them on the firing line to see if they can shoot seventy or better

(Continued on Page 14)

## Junior Police

vs

## Juvenile Delinquency

by  
**Lieutenant Henry Giroux**  
**Police Department, Rumford, Maine**

IN TEN YEARS of service an officer becomes very well acquainted with the problems caused by the youngsters of his community. In our town conditions never changed. Since no one seemed to want to do anything to help solve the problem there was no remedy in sight. Many citizens grumbled and complained that if the police were more alert there would not be a juvenile problem.

Good relationship between police and John Q. Public, always a difficult thing to maintain in a small town, was at a very low ebb.

Our community has a population of 10,000 people. It is composed of Italian, Lithuanian, French and Irish people with a smattering of other nationalities. The majority of these people are law abiding and very religious. Many are employed by the large paper manufacturing plant located in town.

The children of these people are sound, healthy youngsters—full of life and good will. But as in other communities, some of the youngsters seem to always be getting into trouble—petty larceny, speeding in cars, drinking and general devilry.

In 1953 a new chief was appointed for our department. He was a man who had come up through the ranks and who understood police work. Chief Albert J. Theriault is married but has no children of his own. Fortunately for the town, he has a great love for all youngsters.

Immediately after his appointment, Chief Theriault did something about our juvenile problem. He began thinking about organizing a Junior Police. In a town of our size, this was quite an undertaking for one man. There were no funds appropriated for such an organization and the problem of outfitting a group of boys with uniforms was a formidable one.

Realizing the universal appeal of the uniform for the young boy, the chief started his campaign by contacting the interested citizens of the community. In a surprisingly short time through donations by individuals and organizations, the money was raised and the plan was started.

It was decided that youngsters in the seventh and eighth grade in school would be eligible for membership in the Junior League. Boys whose environment at home was not good were especially encouraged to become members, (although membership was not limited to this group alone). It was felt that these boys in their association with the regular police could be helped and guided now so they could become the good citizens of tomorrow.

(Continued on Page 14)



# the LAW of EVIDENCE

## PART ONE - HEARSAY

An in-service  
training article  
by  
Jack M. Longshore,  
Attorney  
Glasgow, Kentucky

**P**OSSIBLY NO OTHER BODY OF LAW is as misunderstood as the Law of Evidence. It is of course apparent to all that the police officer should be familiar or at least have a nodding acquaintance with the subject. To know what evidence is admissible and inadmissible is an absolute must if cases are to be successfully concluded.

This article will deal with those rules of evidence that are the general stumbling blocks and those which are used the most and those most misunderstood. Examples will be given to show the reason for the rule, because it is the reason behind the rule that clarifies its meaning.

### The Hearsay Rule

The first rule of evidence that will be taken up is the Hearsay Rule which is possibly the most misunderstood rule and the one most abused.

The Hearsay Rule is of course a rule of exclusion and is defined in Am. Juris. Vol. 20 at Page 400 as follows: "As evidence which derives its value, not solely from the credit to be given to the witness upon the stand but in

part from the veracity and competency of some other person."

A simple formula to keep in mind is this, "any evidence which is offered that is not subject to cross-examination is to be excluded."

The best example of hearsay is explained thusly: A is on the witness stand and desires to testify as to what B has said. Standing alone this is clearly hearsay and inadmissible because B is not the one subject to cross-examination, hence the truth and veracity of the statement cannot be tested. It is therefore apparent for the statement to be admitted it must be brought within one of the exceptions to the Hearsay Rule.

For example I was the defense attorney in a murder case just about a year ago, a policeman was charged with murdering a teen-ager. On the trial of the case a witness for the commonwealth wanted to testify that after the boy had been shot, he ran to the lad and raised his head and the deceased said, "WHY DID HE DO IT?" Now read this statement again, is this a question, a statement of fact, a sus-

picion or just what, or is it his own personal impression. Needless to say when this evidence was offered I objected strongly to its being admitted, after much argument and case reading my objection was sustained.

First of all this statement as offered was pure and simply hearsay, and of course very damaging, as no one else had heard this statement though a dozen or more people were around. The point is this, after my objection, for the statement to be admissible it had to fit into one of the exclusions, or be excluded from the evidence.

Exceptions to the hearsay rule consist of Character; any declarations made against interest, for instance a statement made by a defendant at the time of his arrest is admissible although testified to by someone else since it is a statement against the interest of the defendant; the dying declaration and the "Res Gestae Rule."

As to the exceptions of course it is universal in the criminal law that the defendant's character is not admissible against him unless he himself puts it in issue. However Kentucky



has a statute that makes a defendant's reputation for dealing in liquors admissible against him in liquor cases, which is an added exception to the hearsay rule.

"Declarations Against Interest" consist of statements made by the defendant and generally are statements such as this, "I gave him just what he deserved," "Yes I cut the dirty S. B.'s throat," etc. These are a few classic statements and are admissible against the defendant although hearsay.

The "Dying Declaration" is another exception to the hearsay rule but to become an exception and be admissible several tests must be made. Of course such statements are always weighed with much suspicion as it is obvious they are easily prefabricated. It should be pointed out that in some states, statutes govern Dying Declarations, while others of course are governed by case law on the subject. For a statement to be admissible as a dying declaration the rule is generally the same in all jurisdictions,

1. The statement must have been voluntarily made and cannot be a statement of opinion or a conclusion, but rather must be a statement of fact.

2. The statement must be made by the deceased when the declarant was under a sense of impending death, in other words he must be aware of impending death and conscious of certain death, this is indispensable. If all of these conditions are met then the statement is admissible as a dying declaration.

"The Res Gestae Rule" as defined in Am. Juris. Vol. 20 Pg. 553 in this, "A matter incidental to the main fact and explanatory thereof and may include acts and words which are so closely connected therewith as to constitute a part of the transaction; and such acts and words must be spontaneous and so related to the occurrence in question as reasonably to appear to be evoked and prompted thereby." The very word Res Gestae means the events or happenings speak through the instinctive words and acts of the people participating and facts, etc. and words are the main fact and together serve to show the character. Under the Res Gestae rule it is believed that statements made without thought at the time of the transaction or event are least likely to be prefabricated and are subject to greater belief. The factual situation of course governs its application, as it is clear it must be an integral part of the transaction, and in some way explain it. It should be pointed out here that an exclamation, although not falling under the dying declaration exception to the hearsay rule may be admitted as a part of the Res Gestae, explaining the transaction. The basis for admission being as stated above, that the statement being a part of the transaction there was no time to fabricate

an untrue statement, favorable to the speaker.

Each officer should check the case law on the subject governing the Res Gestae rule in his own jurisdiction. For example under Kentucky case law, the Res Gestae rule is in respect the same as the rule on dying declarations, in that the statement to be admissible cannot be one of a conclusion on the part of the one uttering it. For example the case of Philpot vs. Commonwealth, 266 SW 348, 205 Ky. 636, states the case law applicable in most jurisdictions, in this case the statement made by the deceased was, "I have been shot for nothing." The court had this to say about the admissibility of this statement, "It is a rule of evidence that dying declarations are competent only if they would be competent as coming from a living witness, and it is equally well settled that it is not competent for a witness to give his conclusions as to a non-technical subject. He must state the facts from which the jury is to draw conclusions. The statement 'I have been shot for nothing,' was a conclusion and not a statement of fact. It represented the deceased's conception of the facts and was manifestly inadmissible in Evidence." Now contrast the statement referred to here, with the statement, "WHY DID HE DO IT?" used as an example previously, and you will see why the statement was properly excluded as even falling under the Res Gestae rule.

The Kentucky law on the Res Gestae rule is clear, for a statement to be admissible as a part of the Res Gestae it must more or less conform to the dying declaration rule, in that it must be a statement of fact and not one of question, conclusion, suspicion or deduction, and of course the time element in the utterance is important in that it must be a part of the transaction.

The foregoing points out that case law must be studied to get the true law of each jurisdiction, however the rules as stated are the general rules on the subject and is generally the law in each jurisdiction. It would be a good idea for officers to get their prosecuting attorneys to look up the case law on the subject and give the rule in your jurisdiction.

I used the statement "Why did he do it" which was a true case and statement to point out that the question of ruling on statements are close ones, and should be tested as to their admissibility by the rules as set forth and must conform to an exception or be ruled out as being hearsay.

## Part Two Confessions

CONFESSIO as such many times standing alone are inadmissible, and as a result many a seemingly good



Jack M.  
Longshore



case has gone up in smoke to the chagrin of the officers in the case.

Am. Juris. Vol. 20 Pg. 417 terms a confession as "an admission, declaration or acknowledgment made by one who has committed a felony, or a misdemeanor that he committed the crime or participated in its commission."

There are two main types of confession, **Judicial** and **extrajudicial**, a judicial confession being one made in open court or a plea of "guilty." An extrajudicial confession is one made other than before a court or a judge.

We will here confine ourselves to the extrajudicial confession as these are the ones mostly under fire.

Of course it should be noted here that the admission of confessions as evidence against the defendant as charged is actually an exception to the hearsay rule which excludes evidence of a hearsay nature. Confessions as such are a statement against interest, and therefore admissible. However like many of the other exceptions to the hearsay rule, there are rules that must be followed to make the statements competent and admissible. There are many practical problems that arise in the introduction in evidence of confessions. For instance, I was defense attorney for several defendants in Federal Court charge with theft of 16 miles of copper wire, property of the government. The officers that investigated the case did a very thorough job, recovering approximately the same amount as was taken, and in the process of their investigation, took several statements of a lad who claimed to be present when some of the thefts took place. This seemingly nailed the case down firmly as the statements implicated all of my clients. On the trial of the case the U. S. District Attorney proceeded to put the lad who made the statements on the witness stand, his purpose being to prove the statements made and then put them in the evidence for the jury to read. He asked, "on such and such a date did you make and sign this statement?" To which the witness replied, "If I did I don't recall it." The prosecutor then proceeded sentence by sentence to read the statement and ask, "Did you make that statement?" To which the witness replied each time, "if I did I don't recall it." At the conclusion of the statements the prosecutor offered them as evidence, to which

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I promptly objected. The statements as made did not in any way implicate the witness but rather implicated only my clients, and the statements themselves were purely and simply hearsay. So that the only way they could possibly be introduced into evidence unless the witness admitted the statements was for the purpose of impeachment. However, bear in mind the witness by his answer didn't admit the statements nor did he deny them, therefore the trial judge sustained my objection and the statements were not admitted into the evidence. From this example you can readily see that signed statements as such are not always admissible.

Of course in this field it is a well settled rule in all jurisdictions that a confession or statement must and I emphasize the word must, be voluntary. In other words the statement must be given under circumstances such that no duress or force in obtaining it can be implied.

**CAUTION:** In securing a confession or statement, under no circumstances promise anything, such as a lighter sentence, probation, or anything that raises hope on the part of the person giving the statement. Also anything producing fear is taboo.

Confessions are of course looked upon with great suspicion, since they are statements against interest. It is also well to check your case law here as there are several states that have the rule that before a confession can be admitted in evidence the corpus delicti (the body of the crime) must be proven by proof other than the confession. The following states follow this rule: Ala., Colo., Ga., Ill., Mich., Miss., Mo., Nebr., N. J., N. Y., Ohio, Pa., Texas, Utah, La., N. M., Okla., and Wash. For complete annotations and cases on the point see Vol. 68 Law Reports Annotated Pg. 33.

However, there are some courts that allow an extrajudicial confession to be admitted to aid in the proof of the body of the crime; although the confession might not itself be sufficient to prove same, therefore it behooves officers to evaluate the worth of a confession or statement secured. For instance under the Kentucky Criminal Code section 240 which states "A confession of a defendant, unless made in open court, will not warrant a conviction, unless accompanied with other proof that such an offense was committed. Then Ky. Criminal Code Section 241 states "a conviction can not be had upon the testimony of an accomplice, unless corroborated by other evidence tending to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows that the offense was committed, and the circumstances thereof. One can readily see that under this statute, that con-

fessions as applied to another party or implicating others are strange creatures.

I recall a case in which a colored boy was arrested for breaking into a business house and stealing some tools. Upon his arrest he admitted breaking in and even showed the officers where the tools had been hidden, then he stated "John Doe was with me and aided and helped me." Of course, immediately the officers arrested John Doe and also charged him with Storehouse breaking a felony under Kentucky law. There were no other facts or circumstances connecting John Doe with the crime,—nothing to in any way corroborate the Colored Boy's confession hence under Criminal Code section 241 as quoted, John Doe was dismissed. Now as to corroboration, had some of the missing tools been found in John Doe's possession or had his fingerprints been found at the scene of the crime, then this would have corroborated the confession. This points out one glaring fact, all officers should examine their criminal code to see what corroboration etc. is needed, if any.

Now let us examine the main rule pertaining to confessions,—that it must be voluntarily given. Merely that a subject is questioned and is interrogated and confesses does not of itself render the confession inadmissible. However, "sweating" and questioning for long periods of time will render a confession inadmissible, however the facts in each case must be taken into consideration. Ordinarily lack of counsel does not render a confession inadmissible. As to a precautionary warning before the confession is made, this is important as it is a very material circumstance showing that the confession was voluntary.

As to who will pass on the voluntariness of the confession, there seems to be some confusion and differences of opinion. In a number of Jurisdictions and possibly the better rule in light of U. S. Supreme Court ruling in the case of Ashcraft et al vs. State of Tennessee 322 U. S. 143, 88 L. Ed. 1192, in this case the U. S. Supreme Court said, "The trial court heard evidence on the issue (the issue being whether or not the confession was voluntary) out of the jury's hearing, but did not of itself determine from that evidence that the confessions were voluntary. Instead it over-ruled Ashcraft's objection to the use of his alleged confession with the statement. "This court is not able to hold, as a matter of law, that reasonable minds might not differ on the question of whether or not that alleged confession was voluntarily obtained." From this ruling of the U. S. Supreme Court I reason that the court must make a finding of fact as to whether the confession is voluntary. There are states that have a contrary

(Continued on Page 27)

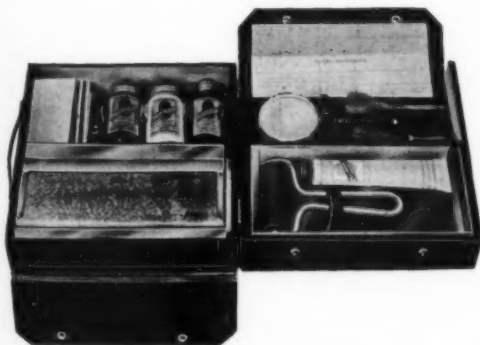
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For further information circle #30 on Readers Service Card

July, 1956



# Chiefly Chatter

**Harold B. Breech**

*Chief of Police, Yuma, Ariz.*

by Carol Allen

We drove through California's Imperial Valley just as the first streaks of dawn gave outline to the vast, reclaimed desert. The sun was well into the sky when we passed between the famous towering sand dunes, stretching on either side, along the California border, for many miles. Only a short distance beyond lay the desert city of Yuma, with both the California and Mexican borders in close proximity.

At eight o'clock California time, nine o'clock Yuma time, we met Chief Breech. He is a tall, rugged looking man who fits into his environment with all the ease of having been born and raised in the Southwest. His life began on August 29, 1918, in the small town of Jacksboro, Texas. The Chief moved to Yuma two years later and graduated from the Yuma Union High School in 1936.

Chief Breech joined the Yuma Police Force in 1941 as a patrolman. He was promoted to Sergeant in 1943, and to Acting Chief in 1944. The Chief then attended the National Police Academy in Washington, D. C., for a fourteen week training course for police officers. Upon return to Yuma, Chief Breech was given a permanent appointment as Police Chief in 1945.

We asked the Chief what changes had been made in the Department since he had been in office. He replied that there had been only four men on the Force in 1941, the Chief, a Sergeant and two patrolmen. There are now 27 employees, one of whom is a female civilian clerk, also doubling as matron.

All of the men are classified as patrolmen, and must take their turn at the information desk, a job which the Chief regards as the most important function in the Department. There are two separate divisions of the Department, the Traffic Division and the Records and Identification Division. Four men are assigned to the latter, but are foremost patrolmen. This division has been installed since Chief Breech took office.

We next asked the Chief about special analyses of crimes which would need fingerprinting, crime lab work, etc. He answered that his Department works very closely with the F.B.I. in the fingerprinting section, such as would be needed on all fraudulent check passing. The University of Tucson is also very cooperative with any laboratory work, as is the California Valley city of El Centro, Police Department, which has a small crime lab, lie detector, etc.

The juvenile problem in Yuma, a city surrounded by sprawling desert, ranches and farms, is a very minor one. As Chief Breech laughed, "the teen-agers here can



let off all the steam they want to out in the desert."

The Police Department handles the school junior patrols on traffic safety, plus also sponsoring the teenage rifle club and hotrodders. The hotrod club is called the "Dragsters," and make up their own set of safety rules. Under supervision by the Police Department, these adolescents learn safe driving and cooperation with the law.

There is a full time probation officer who works out of the Superior Court judge's office. He works closely with the Police Department on all juvenile crimes or problems and does a follow-up report on the child's home environment.

Chief Breech stated thoughtfully that perhaps the largest problem the Department had to contend with in the way of lawlessness, was the detection and apprehension of stolen cars between the Arizona-California border. To aid in this work, California has installed a teletype system in the Sheriff's Office, which is paid for by that state. The system allows a direct communication with all of California, and consequently provides speedier apprehension of stolen car thieves.

Another problem which the Department faced until recently was the large number of Mexican "wetbacks" who were slipping across the border. But the U.S. Border Service, with an office building right next to the Yuma Police Department, has cracked down so efficiently, that this problem no longer exists.

The Indian situation was also quite troublesome a few years back. There are several Indian reservations on the outskirts of Yuma, notably the Quechan tribe. Each Indian is given a 10 acre land grant by the government. Their acres are among the most fertile and easily accessible to water of any land near Yuma, but most

(Continued on Page 13)



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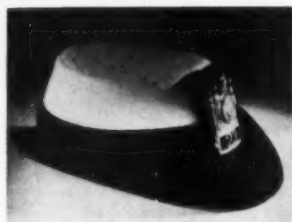
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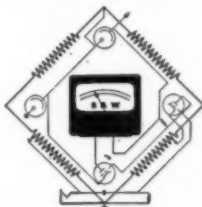
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# "According to Law..."

Edited by Irving B. Zeichner  
Counsellor-at-Law



## Liability For Shooting

Suit for damages was brought against a conservation officer for shooting cocker spaniel dog and a labrador dog. The officer maintained that the dogs in question were running at large in territory inhabited by deer and that by statute he was authorized to shoot the dogs without civil liability.

The statute in question reads in part as follows: "Any dog running at large in territory inhabited by deer, is hereby declared to be a public nuisance and may be killed at such time by any game conservation officer or any other person entrusted with the enforcement of the game laws, without criminal or civil liability."

The dog owners asserted that the constitution prohibits the state under a legislative enactment or its police power from depriving any person of his property without due process of law.

There was no contention that the dogs were tracking, chasing, molesting or worrying deer or had the habit of so doing, nor is it claimed that they were vicious or dangerous. The officer did contend, however, that the statute was a complete defense to the suit and a lawful police regulation.

The Supreme Court of Idaho held the statute to be unconstitutional and affirmed the judgment against the officer. It further held that, inasmuch as an unconstitutional act is not a law, the officer was not immune from liability even though the act under consideration had not, prior to the shooting of the dogs, been declared un-

constitutional.

"Police regulations cannot arbitrarily and without any sufficient reason authorize the killing or wounding of animals belonging to another. The legislature cannot declare something to be a nuisance which is not one in fact or per se; and to declare that a dog running at large in territory inhabited by deer is a public nuisance, without more, is an arbitrary, unreasonable and unconstitutional regulation."

## Interception of Telephone Call

Two members of the Chicago Police Department entered the store of Willie Hubbard to arrest him for the possession of narcotics. A telephone call came in for Hubbard, and, at the officers' direction, he answered, holding the receiver in such a position that Officer Simms could also hear the incoming conversation.

Officer Simms testified that he did not then recognize the voice of the caller, whom Hubbard greeted as "Fred," but, following the arrest of the defendants, he recognized the voice of Petrucci as that of the party who had called Hubbard. His testimony as to the conversation was as follows:

Fred, "How are you fixed for stuff?" Hubbard, "I am out of stuff now." Fred, "Meet me at the same place at the same time and you can pick up some stuff. How much do you want?" Hubbard, "Two ounces." Fred, "Meet me at the same place at the same time."

Convicted of narcotics violations, the defendants, on appeal, objected to the admission of evidence of the telephone conversation. They maintained that it

should be excluded on the ground that it has been procured by interception of a communication in violation of the federal law.

The United States Court of Appeals for the Seventh Circuit affirmed the convictions and held that there is no statutory violation when a message is transcribed or overheard with the receiver's consent at the time it reaches him.

"The protection intended and afforded by the statute is of the means of communication and not of the secrecy of the communication. . . . As has rightly been held, this word (intercept) indicates the taking or seizure by the way before arrival at the destined place. It does not ordinarily connote the obtaining of what is to be sent before, or at the moment, it leaves the possession of the proposed sender, or after, or at the moment, it comes into the possession of the intended receiver."

## Fleeing Offender

A lower court ruling which left the question of negligence to the jury for determination has been affirmed in the case of a policeman who lawfully shot at a fleeing criminal but injured an innocent bystander (See "According to Law . . .", LAW AND ORDER, April, 1956).

Sued for the injuries to the bystander, the officer admitted that, intent on stopping the thief, he "didn't look around to see if there were a lot of people around" but merely looked "to see if anybody was in the direct line" of fire, and, seeing no one, he fired. The thief dropped the loot which, upon examination, was discovered to have a value of \$36.87.

The Supreme Court of New Jersey held that a police officer is not even justified in shooting at every escaping criminal to prevent his escape. It said that the law does not countenance the act of a police officer shooting a fleeing offender charged merely with a misdemeanor, breach of the peace or violation of the Disorderly Persons Act, and the peace officer who shoots such a fleeing offender subjects himself to civil liability to the offender and to criminal prosecution as well.

"By the common law, an officer, in a case of felony, was permitted to use all force necessary to capture the felon, even to slaying him when in flight. In the case of a misdemeanor, however, the rule was different. The officer could

(Continued on Page 45)



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For further information circle #24 on Readers Service Card

## Chiefly Chatter . . . . . (From Page 10)

of the Indians prefer to lease their land and work for the Whites.

Until fairly recently, Indians were not allowed to have liquor in any form. When they were first able to buy it, they drank to excess with some disastrous results. But now that the novelty has worn off, they are able to retain it like any normal White.

We then asked Chief Breech about traffic problems in the city itself. He replied that the Department keeps a spot map from year to year on which is pinned a record of the accident rates. If one area rises a bit high, more police coverage is given that area. In general, he said, the citizens of Yuma are very law abiding and cooperative. Arrests run fairly high per population, practically all because of border trouble.

The population of Yuma has grown steadily over the years. For instance, in 1940 there were 5,680 people, and in 1950 there were 16,000 within the incorporated city limits. There are now approximately 25,000. The trading population, which takes in all of the farms and ranches on both sides of the state borders, plus the Yuma Air Force Base and Yuma Test Station personnel, is about 40,000.

One fact which we found particularly interesting is the historical significance of Yuma. Back in the 1800 and early 1900's, when Arizona was still a territory, a notoriously famous territorial prison was built in Yuma.

Between the years of 1875 and 1907, this prison served a very large Southwestern area, and because of its cruelty to prisoners, became known as the "hellhole." The prison, made of adobe, is still well preserved, although large parts of it are crumbling away. The police target range is located within the prison walls. Each man on the Force is required to put in a specified number of practice hours a month on this range. The Department also sponsors F.B.I. training schools in the vicinity.

Chief Breech told us a little about the prison's history and the town marshals in charge of law enforcement, from which the present law enforcement agencies evolved. He also told us the location of the old Indian fort, still in good condition on a hilltop near the entrance to Yuma.

One of the main factors contributing to Yuma's steady growth is the railroad switchpoint in town. There are a very large number of livestock and farm products, such as cotton, etc., to be shipped all over the country. The railroad yards contain large feed pens of 20 to 40 acres in size, for all the cattle, sheep and hogs to be shipped out. Lucrative by products of the livestock industry are the alfalfa hay, maize and cottonseed used for feeding purposes. Both the Indians and native laborers from Mexico are employed in the fields, providing everyone with a livelihood.

(Continued on Page 14)



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For additional information circle #77 on Readers Service Card



## Coming Events of Interest to Law Enforcement Officers

- July 22, 23, 24, 25 Pennsylvania Chiefs of Police Association, 43rd Annual Convention, William Penn Hotel, Pittsburgh, Pa. For Information contact Exec. Secretary Samuel Siegle, State Theater Bldg., Harrisburg, Pa.
- July 23, 24, 25, 26 New York State Association of Chiefs of Police 56th Annual Conference, Mark Twain Hotel, Elmira, N. Y. Executive Secretary, R. W. Morris, 515 West Onondaga St., Syracuse 1, N. Y.
- Aug. 2, 3, 4, 5 Associated Police Communications Officers Conference, Hotel Statler, Los Angeles, Calif. Frederic G. Crowder, Conference Chairman, Rm. 83, City Hall, Los Angeles, Cal.
- Aug. 23, 24, 25 Montana Police Assn., Livingston, Montana, Keith L. Moran, Chairman Convention Committee.
- Sept. 9 to 13 International Association of Chiefs of Police, Conrad Hilton Hotel, Chicago. Leroy E. Wike, Exec. Secty, Mills Bldg., Washington, D. C.
- Sept. 16 to 18 South Dakota Sheriffs and Police Officers Association, Lawler Hotel, Mitchell, S. D., James J. Connelly, Secty, Brookings, S. D.

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For further information circle #105 on Readers Service Card

## Youth Safety ..... (From Page 5)

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## Junior Police ..... (From Page 5)

Finally, after much preparation the great day arrived—the uniforms were delivered and given to the boys. It did our hearts good to see the eyes of the boys shine as they surveyed themselves for the first time in their blue uniforms.

But wearing the uniforms was not all that the boys were required to do. They were taught how to march in formation and were assigned regular duties in controlling the flow of other youngsters from movies and other public gatherings. At sporting events, such as football games and winter carnivals, they were of great help to the regular policemen.

In the short space of three years it is evident to us in the police department that results are becoming apparent. Not one of the many youngsters who were the original Junior Policemen has become involved in a crime of any sort. The relationship which we of the police enjoyed with these boys when they were Junior Policemen has continued and our relationship with the public (especially with the boy's parents) has become increasingly better.

Through the far-sightedness of one man, the citizens of our community have a better town in which to live and raise their children.

All of us are very proud to see the youngsters marching in a parade, for we know they are marching in the right direction—away from delinquency.

## Chiefly Chatter ..... (From Page 13)

Chief Breech, reflecting the rugged, friendly breed of people in the Southwest, leaned back in his chair and lit up a cigarette. "Yes," he commented, "this former territory was pretty colorful at one time. It has its tales of Injuns on the warpath, fearless marshals and legendary gunfighters. But nowadays, Yuma has become an important livestock and agricultural area. The hot dry climate has drawn people from all over the country who've always had a yen to try a little ranching. There's no end to the growth of this town and the Police Department along with it."

As we left the Chief's office, we didn't doubt that, no matter how large Yuma grew, this big, sunburned man with the friendly grin would always have things well under control.



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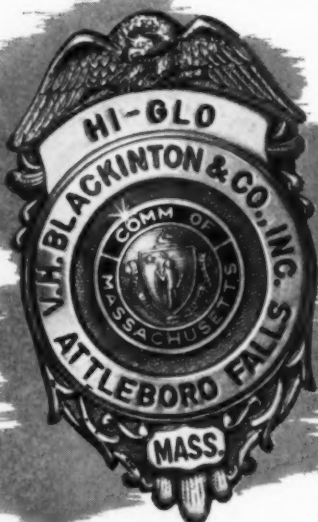
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For further information circle #29 on Readers Service Card

## A Chief's Editorial

Commissioner Thomas J. Gibbons  
Philadelphia (Pa.) Police Dept.

SEVERAL MONTHS AGO I protested against the procedures which resulted in numerous well-known sex perverts and maniacs being returned to the streets of Philadelphia where they could continue their vicious and brutal attacks upon women and little children. I was particularly incensed because the immediate activities of these individuals had resulted in terrifying and unfortunate experiences for several young girls.



The figures for sex crimes in recent years have boosted the national crime statistics out of all proportion, and one of the principal reasons given by police departments throughout the country for their failure to stem this tide was the reluctance of various courts to hold these offenders in reasonable bail and to send them to prison for their crimes.

In order to make a case of this type, it is necessary that the police officer have competent witnesses, who can testify in detail regarding the crime; however, it is impossible to hold witnesses when the offender is immediately turned out on the street to threaten and pressure them.

In many instances a woman has appeared in court to identify the man as her attacker only to find him released and waiting on the corner outside her house before she can return from the court room. A man who is implicated in a number of sex offenses is definitely a hardened criminal; and, therefore, was very pleased to see the stand taken by the F.B.I. Director, J. Edgar Hoover, in a speech at the National Conference on Parole. Hoover, who is one of the outstanding law enforcement executives in the world today, condemned "ill-advised" paroles when

(Continued on Page 25)



## Progress in Maryville

George D. Spencer, Chief of Police  
Maryville, Missouri



**T**HE TOWN of Maryville, Missouri has approximately 10,000 population including the college enrollment of Northwest Missouri State College. It is located in the northwest part of the state and is the county seat of Nodaway County. Because of its geographical location it is ideal for agriculture.

Maryville has made great strides in the past year as it completed its first year under the City-Manager form of government. Mr. Robert Peart, being the first City Manager is responsible for many changes. One of his first acts was to secure the services of an out-of-town Chief of Police and appoint him to reorganize the police department.

Since taking over the department on May 23rd, 1955, Chief of Police George Spencer practically had to start from scratch. First on the agenda was purchasing uniforms for the police officers; second, getting new radio equipment; third setting up an accurate and workable record system; fourth, or-

ganizing a police training program for all personnel, (covering public relations, court procedure, automobile theft investigation, laws of arrest, search, and seizure, the mechanics of search and arrest, the writing of police reports, classification of offenses, the preservation of evidence, keeping accurate and up-to-date records, police patrol techniques, firearm training and disarmaments, defensive tactics, and first aid).

We are very much concerned with the traffic situation in this area, and are striving to maintain the enviable record that we now have. We have been on the National Traffic Safety Honor Roll for the past seven years and have received a National Traffic Contest Honor Roll Plaque from 1949, to and including 1954. One has been earned for the year 1955 which again did not have a fatality. One of the reasons for this successful record is that the department rigidly enforces the

city's ordinances.

Maryville is proud of her School Boy Patrols and special attention is given to their problems. They are taught the subject of Traffic and Safety and realize the important role they play in safeguarding the school crossing and protecting the lives of their fellow playmates.

Through the co-operation of our local radio station we have made talks to acquaint the parents of our youngsters with our aims to make Maryville a good place for their children to grow, play and live in.

Our city is no different than thousands of others in one respect. We are constantly being confronted with the lack of finances. We needed "Stop" signs for our school zones. Three soft drink companies heard about it and came to our rescue. We received five nice large school zone stop signs from

(Continued on Page 24)

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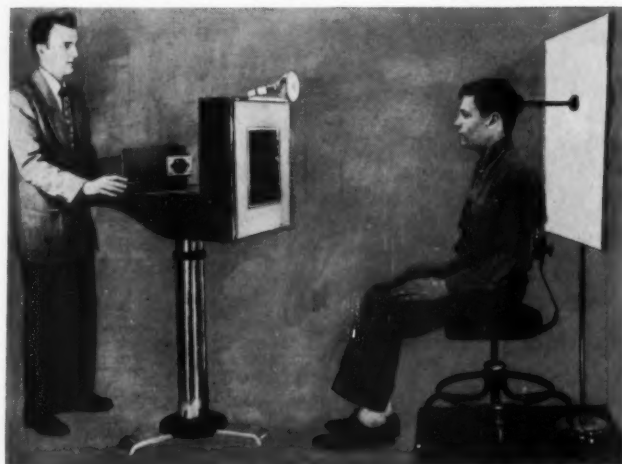
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# Primary Police Functions

*An In-Service Training Aid*

## Traffic

### Part III

*by Bruce Holmgren*



#### Assisting Information Seekers

A common task of the man on any traffic post is the answering of questions and the giving of directions. Aside from the public relations value of doing a good job in this respect, there are some traffic aspects to consider. First of all, the officer should have a pretty good idea of the kind of questions usually asked, and he should have stock, very clear answers—on the tip of his tongue.

But his first job is to make sure the driver or pedestrian seeking information is not in the way. If the officer can give the answer while the vehicle stands out in the street, this is fine—provided, it does not interfere with the normal flow of traffic. However, more often than not, it does interfere. Therefore, he should direct the driver to pull to the curb or some clear spot.

**Must Not Interfere.** Also, the officer should not attempt to handle the inquiry if his doing so forces him to neglect his primary task of directing the traffic. The usual case is that he directs the driver to a clear location, and then goes over to him as soon as he can leave the intersection. At that time, he answers the questions or provides the information.

But if the post is too "hot" to leave, the officer should not attempt to answer the questions for the information seeker. Of course, he must aid the information seeker in getting the information, and he does not merely say he can't stop to help him. Rather, he might say something like this: "I cannot leave my post, but if you stop at the village hall three blocks down, on the right hand side, the clerk will answer your questions." Or, he might say: "It's too hard to explain without looking at a map and I can't neglect my post to show you the map. You may ask Officer Brown at the next corner. His post is not as busy as mine, and he'll show you the map."

#### Control Of Pedestrians

Although it is universally recognized that pedestrians are subject to the various traffic regulations just as are motorists, the actual practice of what to do about pedestrians varies all over the lot, so to speak. In other words, many municipalities do a thorough job of pedestrian control—with strict enforcement, while others do not.

In almost any community the status of the pedestrian problem depends on the traffic educational job being done. This gets into a broad discussion of public safety policy and education—too detailed to bring up here. But for the man who has to direct the traffic, it is sufficient to note that he is alert to the pedestrian problem as it exists in his particular community.

**Do It Cheerfully.** Whether your city has strict pedestrian compliance or not, your job is to protect the pedestrian. This means that the alert officer takes the initiative, and tells the pedestrian when and where to walk, with reference to the traffic at a particular time

and place. But all the difference in the world exists between officers who do the job cordially and cheerfully and those who do it with just the opposite attitude.

Anyone questioning this can recall for himself the conditions existing on corners manned by the friendly, helpful officer and by the fellow with a sort of a chip on his shoulder. These contrasting conditions are too well known to require further comment. The point is that the officer can be firm and friendly at the same time. It is important to remember that successful handling of pedestrian traffic rests more on voluntary compliance than on enforcement. Of course, this may be regarded as true of most enforcement, but it seems to be particularly so with pedestrian traffic control.

Obviously, there are two sides to the coin. If the pedestrians are expected to comply strictly with the regulations, it is equally important for the police to protect their rights, to see that motorists give the pedestrians the right of way where required. And it goes without saying that the man on a traffic assignment is particularly careful in regard to children and to elderly persons.

#### Investigation of Traffic Accidents Part I

With the possible exception of certain techniques in the field of criminal investigation, probably no subject in the police field has received so much coverage as has the traffic problem—with particular reference to the investigation of accidents. No small part of the credit goes to the famed Northwestern University Traffic Institute, where countless police officers the country over have received both "short" and "long" courses in this field.

Therefore, in this chapter we shall not try to duplicate the work of that Institute and other training bodies, and we shall not try to cover the material embraced in the Institute's "Traffic Accident Investigator's Manual," a landmark book the current edition of which has some 300 pages devoted entirely to this subject.

**Practical Pointers.** Rather, we shall try to suggest a few practical pointers on the investigation of accidents. Possibly in keeping with our "on the beat" approach, our efforts best focus on the needs of the fellow who may not have access to that splendid university training.

Actually, we shall try to reduce the broad subject to its fundamentals. Officers in the smaller departments, who must do the full range of police work while on duty, and who, perhaps handle relatively few accidents, may find these paragraphs helpful. The keynote of our approach is this: At all times remember the basic purpose.

#### Purpose Of Investigation

As the literature points out, there is a big difference between investigating the accident and merely reporting it. In a nutshell, the job of investigating the accident means finding out how and why it happened.



rather than merely reporting the basic facts such as what happened, when it happened, where, and involving whom.

In this connection, the man on the beat needs to remember *why* he is investigating the accident: He must not lose sight of the major objective of the whole thing—to obtain facts on which to prevent future accidents as well as to furnish a basis for direct action in the way of prosecution of the driver or person at fault.

**Officer—A Fact Finder.** Lest the foregoing remark about prosecution suggest that the big job of the policeman working on an accident is to take punitive action, we hasten to point out that the approach of the officer at all times is that of a fact finder. A good officer remembers, even though he has few opportunities to keep in practice in the work of accident investigation, that all he wants to do is get the facts of the case.

It is important to remember that while the officer is just one link in the chain of accident reduction and community traffic safety betterment, his job is the corner stone, on which much of the program depends. Assuming that others of the police agency or law enforcement organization are capable of making intelligent use of the investigational data, the value of it all depends on how well the man on the beat gets the facts.

### First Things To Do

Of course, there are other considerations, such as the caring for injured persons. Obviously, this is of paramount importance. However, the police provide such emergency service as a rule in any situation, whether or not a traffic accident is involved. But in a traffic accident, speed and skill in first aid treatment are vital.

But even before this, once the officer gets a report of an accident, his first job is to get there safely. Whether or not he has a partner, will be all alone, or will get help from other officers at the scene, he must get there quickly, with care, and without creating additional hazard. He must neither drive nor park in such a way as to make possible a second accident.

In spite of all that has been said about the need of speed in first aid, and the wide publicity given to the matter of such things as the immediate application of treatment for arterial bleeding, electric shock and a stoppage of breathing, the police officer *must* remember to take it easy. More and more departments are establishing stringent rules regarding how fast an officer can drive on the way to an emergency. It all boils down to the fact that the man driving the squad car must use reasonable care.

### Matters Of Life And Property

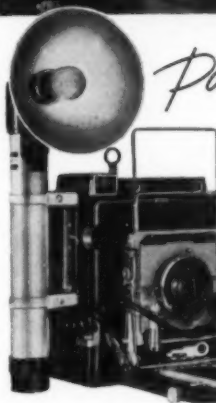
Before the main job of investigation starts, the first tasks are physical, so to speak. They involve caring for the injured and safeguarding property, including the vehicles. Therefore, the first thing to do is find out if there are injuries. If you definitely establish that there are not, you may proceed with the basic investigation in a deliberate manner. If there are injuries, furnishing or arranging for the furnishing of appropriate care normally comes first.

Next, the scene requires safeguarding. This idea has several facets to it. First, the scene must be protected so that additional accidents do not take place. Resourceful officers often find volunteers who can post flares, help direct traffic around the wreckage, and the

(Continued on Page 36)



Speed Graphic photo by H. Armstrong Roberts



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A FAVORITE FABLE in the wiretap controversy concerns the ex-G. I. who was asked to put his electronics training to use by tapping the wires of home-town bookmakers at the behest of a local police official. The former serviceman was happy to oblige the law and was even happier when the officer paid him handsomely. It turned out that the official was using the taps to make sure that the bookies gave him an "honest deal" in the protection pay-off.

Possible police corruption is one of the stock arguments employed in the current controversy over the use of wiretapping in law enforcement. Regardless of the arguments, and there are many, pro and con, on the subject, there is no gainsaying the need for preserving our freedoms, including the right of privacy, while, at the same time, improving the procedures needed to fight the war against crime and subversion.

The National Association of County and Prosecuting Attorneys has vigorously opposed pending federal prohibitions against wiretapping. According to the nation's local prosecutors, "experience dictates that adequate intelligence of underworld activities is the law enforcement officer's most potent weapon against organized crime."

Similarly, the International Association of Chiefs of Police has taken the stand that, in considering legislation on the subject, the Congress of the United States should not enact or uphold safeguards which are of benefit only to those who contrive to violate the laws.

The I.A.C.P. has pointed out that because the telephone provides the same facilities in communications that our highways provide in transportation, it is also utilized by public enemies to facilitate the whole gamut of criminal activities, including the communist plot to overthrow the government by force.

"The average right-thinking automobile driver does not consider it an unreasonable invasion of his right as a citizen when he is stopped by police officers engaged in investigation of violations, even though momentarily his progress along his way has been 'arrested' and he may be requested to show his credentials. He accepts the situation as a necessary safeguard of the right of all users of the highways."

Attorney General Herbert Brownell, Jr. replied in a similar vein to arguments based on the premise that the use of wiretapping would make people fearful of using the telephone. He said that it would be just as reasonable to claim that people are afraid of walking in the street because policemen carry clubs and guns.

The position of F.B.I. Director J. Edgar Hoover was long ago made clear when he remarked, "I dare say that the most violent critic of the F.B.I. would urge the use of wiretapping techniques if his child were kidnapped and held as hostage. Certainly there is as great a need to utilize this technique to protect the country from those who would enslave us and are engaged in treason, espionage and subversion and who, if successful, would destroy our institutions and democracy."

On the municipal level, District Attorney Samuel Dash of Philadelphia stated the problem as follows:

"We would be powerless in Philadelphia today to combat organized crime and rackets if we could not wiretap. It is safe to say that there has not been one single major investigation conducted by the District Attorney's office which did not utilize wiretapping. That is not to say that wiretapping is used indiscriminately. It is reserved only for those cases involving crimes constituting a threat to human life and organized crimes and rackets carried on on a large scale. And wiretapping even in these cases has been used by the Philadelphia District Attorney only where there was no other feasible means of obtaining the evidence."

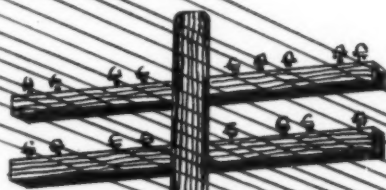
On the other side of the coin, William Keating, former counsel of the New York City Anti-Crime Committee, has taken the position that the worth of wiretap information is negligible. He told a Subcommittee of the House Committee on the Judiciary that wiretapping appeared to be only one phase of a chipping away of the constitutional privileges against self incrimination and searches and seizures.

Bernard Spindel, a licensed private investigator and expert in the field, stated that electronic eavesdropping has become "increasingly widespread as to degenerate from a potent investigative weapon against crime to a potent weapon against the people of the United States." He said that tapping techniques have so developed to the point of defying detection that he does not own a telephone.

The frequently quoted opinion of New York Supreme Court Justice Hofstadter holds that "a tapped wire is the greatest invasion of privacy possible. However rationalized, its authorized use has its roots in the amoral doctrine that the end justifies the means." He pointed out that "the most intimate conversations, personal, social, professional, business, or even confidential, of an unlimited number of persons may be laid bare. In effect, the line of everyone who is called from or makes a call to the tapped line at any time is being tapped during the maintenance of the tap."

United States Supreme Court Justice Jackson, also in an oft-cited opinion, said, "Science has perfected amplifying and recording devices to become frightening instruments of surveillance and invasion of privacy, whether by the policeman, the blackmailer, or the busybody." Yet, when he was Attorney General, he declared, "Criminals today have the free rein of our communications systems, but the law enforcement officials are denied even a carefully restricted power to confront the criminal with his telephonic and telegraphic footprints."

The problem is a complex one but the best starting point, as with all matters in the police field, is with a knowledge of the laws involved. To a man, law enforcement authorities are agreed that illegal wiretappers should be arrested and prosecuted. The "wires and pliers boys" who steal trade secrets and the "private eyes" who operate outside the law in domestic relations



# the Wiretap issue

by Irving B. Zeichner

matters belong in jail. But what of the defenders of law and order?

According to a chart compilation of state wiretapping laws made by the Library of Congress, only three states exempt law enforcement officers from the operation of their laws prohibiting the tapping of communication lines without the owner's consent. The states are Massachusetts, Oklahoma and Louisiana.

This compilation shows that almost all of the states have some legislation which, wholly or in part, (a) prohibit physical interference with wires through cutting, injuring, or molesting the same, (b) or which forbid interference with messages, or currents, or interruption of communication, (c) or which prohibit wiretapping, or (d) divulgence of use of wiretapped information, except (e) on order of a court.

Nevertheless, by application of the collateral evi-

dence rule, most of the states do admit wiretap-procured information. The specific exceptions are New Jersey and Delaware which expressly forbid anyone from testifying to information so procured.

Section 813a of the New York Code of Criminal Procedure makes wiretapping available on ex parte court order "upon oath or affirmation of a district attorney or attorney general or an officer above the rank of sergeant of any police department of the State, that there is reasonable ground to believe that evidence of crime may be thus obtained and identifying the particular telephone or line or means of communication, and particularly describing the person or persons whose communications are to be intercepted, and the purpose thereof." Any such orders are effective for a specified period not exceeding 6 months, but may be renewed by the issuing judge.

What about the practice of wiretapping as applied to federal responsibilities in law enforcement? The Supreme Court of the United States held in the Olmstead case of 1928 that the use of evidence of private telephone conversations, intercepted by means of an authorized wiretapping, would not constitute a violation of the fourth amendment guarantee against unreasonable searches and seizures.

Then came section 605 of the Federal Communications Act of 1934. This provided, in part, that "no person not being authorized by the sender shall intercept any conversation and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communications to any person." Punishment may be a \$10,000.00 fine, 2 years imprisonment, or both.

In the first Nardone bootlegging case decided in 1937, the Supreme Court held that government employees, including law enforcement officials, were included among those who were forbidden by section 605 to engage in wiretapping. The Nardone opinion of 1939 went still further and prohibited use in the federal courts not only of the tapped conversations but of information obtained from such conversations. This was what the court was to term "a fruit of the poisoning."

The Weiss mail fraud case brought forth a decision in 1940 holding immaterial that the conversations overheard were between points within the same state. Thus, the ban applied to intrastate as well as interstate calls.

Just prior to World War II, the Department of Justice, on the authority of a memorandum by President Roosevelt, was permitted to tap wires because of the need for vigilance against espionage. Federal law enforcement officials have since taken the view that the Federal Communications Act does not prevent them from wiretapping if the information is not divulged by them. However, information thus obtained is not admissible into court and therein lies the problem.

At the present time, there are pending numerous proposals which would make an exception to section

(Continued on Page 44)





## COMMENTS ON FORGERY

by  
W. E. Blackwell,  
Prosecuting Attorney,  
Stone County, Miss.

AS COMMON LAW FORGERY WAS not a felony, but the clergy took notice of it because of the crimen falsi. It is defined at IV Blackstone 247 as follows:

"Forgery, or the crimen falsi, is an offense which was punished by the civil law with deportation or banishment, and sometimes with death. It may with us be defined (at common law) to be, 'the fraudulent making or altering of a writing to the prejudice of another man's right,' for which the offender may suffer fine, imprisonment and pillory."

Handwriting, printing and engraving have been held to be within the statutes on the subject, and after the invention of the typewriter, it too was included, 106 ALR 721. By the weight of authority the initials of an artist placed on a painting not made by him does not constitute forgery. It is not forgery to sign the name of another to an instrument by the accused as attorney in fact, although with no

authority so to do, 25 LRA 591.

Even though an accused signs a check with his own name and presents it to a bank which honors the instrument believing that the signature is that of another person with the same name, if done with fraudulent intent, it is held to be forgery, 15 ALR 996. If a fictitious or assumed name is used by the signer, if done with intent to defraud, this too is forgery, 9 ALR 407.

The ostensible drawer, maker or signer of an instrument may testify as to whether or not that it is his signature, and that if it is, whether there are any alterations thereon subsequent to his signing. Witnesses to the signing and/or the transaction involved may testify as to what they saw and of the surrounding circumstances. The non-consent of the signature by an accused upon behalf of the person whose signature the writing purports to be may be established by direct testimony or circumstantial evidence. The existence or non-existence of persons may be similarly proven. Existence of a bank upon which a check is forged, may be shown by its charter of incorporation or defacto existence.

Courts are in agreement that one spouse may not testify against the other in a forgery charge even though the victim thereof, 11 ALR 2d 658 at 666.

Occasionally parties will reach an

agreement in which a check or some other instrument is to be made, and through error it is not made pursuant to the agreement. In such an instance, if an accused should alter the writing so as to conform to the actual intent of the parties, it is held not to be forgery, 93 ALR 862.

Should an accused secure the signature of an accommodation co-maker to a promissory note in which the amount was left blank, and the accused maker inserts a sum larger than that which he told the accommodation party, this has been held to be forgery, 87 ALR 1166.

A person who is familiar with the handwriting of a purported signer, although not an expert, may give his opinion in evidence as to whether it is genuine, 41 ALR 2d 575.

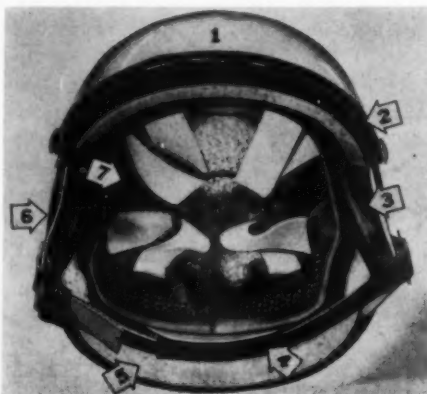
Testimony of expert witnesses on the subject of abrasive and chemical erasures and the restoration of writing erased will be received in evidence. The method used may be explained. It has been held that the possession of erasing chemicals by the accused may be shown in evidence, 8 ALR 40.

Fingerprints developed from the instrument, which is the subject of the prosecution, may be identified and admitted, 28 ALR 2d 1115.

Fraudulent intent must be established. This may be done by admissions, declarations, voluntary extra-

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judicial confessions and circumstantial evidence. Guilty knowledge is material and may be likewise shown.

Other forgeries perpetrated by the accused at or near the time of the offense charged may be shown for the purpose of establishing the intent, motive, guilty knowledge, system, scheme, pattern and res gestae, 34 ALR 2d 777. Other forged papers in the possession of the accused at or near the time of the offense may likewise be admitted in evidence.

In 1936 the "National Fraudulent Check File" was established in the FBI laboratory. Checks which are forwarded by law enforcing officers to the said bureau are photographed and then returned to the sender. Upon request the check will be processed for latent fingerprints. Persons forging checks often use their own name or repeat aliases. Approximately 75% of all checks received are identified in some manner.

Document examination is neither wholly abstract, concrete, subjective, nor objective. Thus, in "Crime Investigation," by Paul L. Kirk, published by Interscience, NYC, the author summarizes the science thereof as follows:

"Handwriting identification, many authorities to the contrary notwithstanding, has yet to be reduced to the precision and objectivity characteristic of most criminalistic testing. Com-

petent document examiners apply to it a keenness of observation characteristic of the scientist, combined with logical reasoning, and an orderly and thorough examination. In addition, there is a very important factor of experience, and even of intuition, not readily reduced to routine, impossible to teach in a definite manner, and yet highly critical to the end result. A student may be readily trained to compare glass fragments so as to produce definite and correct results. He may learn to type blood almost infallibly within a relatively short time. He cannot rapidly learn to identify handwriting with the same degree of certainty and in a short time. Because the recognition of individual handwriting is a subject more-or-less familiar to nearly everybody, it is very easy to believe it to be a simple matter. Nothing could be further from the truth, and probably no field of examination of physical evidence requires more extensive and thorough study. For example, it has been shown conclusively that a large proportion of people fail to identify their own handwriting when it is mixed with other similar writing by other people."

Some thirty-five percent of the persons arrested for forgery are under the age of twenty-five years, and only one out of seven is a female. "Laying

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paper" requires much skill, and is not generally found, but those who have it are ipso facto of the criminal elite.

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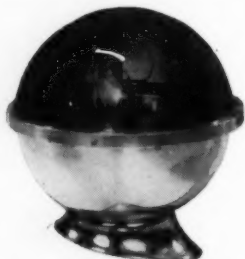
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### "QUOTES"

"The basic requirements for crime prevention are: good government, good education and a sound family life. Parental negligence is the cause of juvenile delinquency resulting in a police problem.

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Inspector Charles W. Roth  
Toledo (Ohio) Police Dept.

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A Safety Plaque is being presented to Maryville (Mo.) Police Dept. for seventh straight year without a traffic fatality.

Maryville (From Page 17)  
each company. We greatly appreciated their cooperation.

The local civic clubs and citizens are cooperating 100% with our safety program. Prior to 1955, we had several cases of bicycle thefts. Since then we have registered every bicycle in our city. The thefts of bicycles have dropped 100%.

In our procedure of registering the bicycles, we used a white 3x5 file card and wrote the following information: owner's name, address, bicycle make,

color, accessories, parent's name, phone number and serial number. The cards were filed by serial numbers. When an owner came to register his bicycle he was advised to keep his bicycle in good mechanical condition at all times and was "briefed" on safety rules.

From our experience with youth, I would like to say that if the police departments throughout the country could be permitted to spend more time working with youth, I am convinced the juvenile delinquency problem

## LAW AND OR-DITIES by HIGGINS



could be reduced to a minimum. According to statistics, when you cut juvenile delinquency, you are getting rid of about 99% of your police headaches.



Dear Sir:

I thought it might be of interest to other departments to know that a short time ago, we investigated a report of boys shooting bombs. Our investigation revealed that the boys were purchasing what is known as "Sparklet" cartridges, which are used for vichy bottles and whipped cream, from a local druggist.

The boys found, that by wrapping the cartridge in paper, and lighting same, the heat will explode the cartridge, sending it in the air about 25 feet. I contacted the Southwestern Druggist's, Association of Connecticut who circularized their membership, and as a result, druggists here are not selling these cartridges to youngsters.

I hope that you will see fit to publish this in your paper, for whatever good it may do to other departments.

With kind personal regards, I am  
Very truly yours,

(signed)

M. Orlins  
Chief of Police.  
Norwalk, Conn.

Gentlemen:

This department is highly appreciative of your fine law-enforcement magazine. We find the various articles to be very helpful and informative.

An article in "Random Shots" of the June issue came to my attention, concerning the safety record of Christopher, Ill. Their population is given as 3500 and they have gone some 23 years without a traffic fatality. The article ends "Can you top this?"

I think we can top this record. The population of Smyrna is approximately 11,000 and our last traffic fatality was on April 29, 1936. We are situated on two major highways which carry the major portion of daily load of 15,000 aircraft workers between Lockheed's large plant and their homes in Atlanta. We attribute this record to uniform enforcement, the cooperation of our motorists and lots of LUCK.

Yours truly,  
Marshall Tanner, Acting Chief  
Smyrna Police Department.  
(Smyrna, Georgia)

**Editorial** . . . . . (From Page 16)  
he said, "Parole upon parole and probation upon probation for those who have not reformed are unreasonable and unjustified."

This is precisely the way I feel, and I am sure they are the sentiments of every law enforcement officer. Our job is to stop crime, but we will find that an impossible and difficult job if we permit thousands of leaks to exist in the bulwarks of justice.

During the coming year, it will be necessary for each man to do his utmost to bring down the crime ratio figure in this area. The wonderful reduction in major crime has been more than anyone expected. There are still many problems to be solved, and it is only through mutual endeavor that we can hope to accomplish not only our profession's purposes, but those of your organization.



## TASSCO SPECIALIZES IN SIGNS

These are Tassco signs . . . modern, legible, very durable. Thousands more like them, in all categories, mark many of our most modern and best planned highways roads and streets.

Tassco signs have one common denominator: In design, construction and finish, they cannot

be surpassed by any other signs in comparable price classes.

YOU'LL FIND THE TASSCO CATALOG A TREMENDOUS HELP IN PLANNING SIGN MODERNIZATION OR INSTALLATION. WRITE FOR YOUR COPY.



For further information circle #70 on Readers Service Card



### Brief Case Tape Recorder

An actual recording of a conversation or an on-the-spot description of an important event is most important in law enforcement work. The **Fargo Company**, 1162 Bryant St., San Francisco 3, Calif. are now presenting the Fargo F-800 Portable Brief Case Tape Recorder.

This recorder comes complete with a brief case. A secret switch on the brief case turns the mechanism on or off. The microphone is concealed and out of sight. The recorder is standard 3¾ speed and uses standard tape. Maximum recording time is one hour. A VU meter for correct recording level and a built-in test meter



that instantly checks the conditions of the A, B and motor batteries is part of the equipment. Its seven tube amplifier makes it a powerful tape recorder.

An interesting feature is the remote control circuit which allows the recorder to be placed in the trunk of a car, turn it on or off from the interior of the car. An external micro-

phone may also be plugged into the recorder. It may be operated by ten flashlight cells or, may be plugged into the cigarette lighter of an auto. Another feature of this recorder is the fact that a separate playback head allows direct instant monitoring of the tape for level and recording checks. This model may be obtained in a standard carrying case. The manufacturer makes special note that this recorder is sold only to Federal, Military, State, County and City law enforcement agencies. For further information circle #104 on Readers Service Card.

\*\*\*

### Chemically Treated Cloth

One of the hazards of driving when it is warmer inside the car than outside is the fogging or misting of the windshield. A new chemically treated cloth called "Seecloth" has been marketed by **Hygiene Research, Inc.**, 684



Broadway, New York 12, N. Y. When the windshield is wiped with this cloth fogging or misting is prevented for a considerable time. With clearer

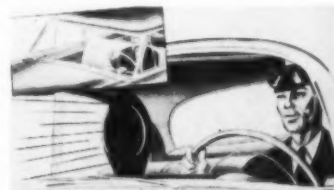
vision during dangerous driving conditions accidents are prevented. To use "Seecloth", all that is necessary is to wipe the dry or very slightly moistened glass with dry "Seecloth" then polished to make sure the chemical is uniformly distributed over the surface. An invisible coating is formed on the glass. To prove the effectiveness of the cloth, the company suggests a simple test. Breath on your eyeglasses and note the mist form. Then wipe with "Seecloth". Repeat the process and you will note no mist forms.

This company will send you a sample if you write to them. For further information circle #183 on Readers Service Card.

\*\*\*

### Snap-In-Light

An unmarked patrol car can be immediately identified, should the necessity arise, by the use of the new "Snap-In" light. **Harry Propos**, 183 Johnson Ave., Teaneck, N. J. is the distributor of this item. Simple to install, this light requires no drilling of holes in roof of fender. It only requires one or two screws to affix the bracket that holds (or conceals) the light and connects the unit to the automobile battery. The light may be hung downward out of sight. A twist of the wrist and it is in full view to serve as a warning light. Another added feature of this light is that it may be removed from the bracket and with its flashlight attachment it may be used as a baton. Model #100



Snap-In-Light includes a custom made under-dash bracket, a flashing device, a 50 candlepower unbreakable beaming light unit, a transparent glowing baton head of a new type unbreakable plastic affixed by stainless steel clamp to flashlight base, complete with batteries and bulb, plus necessary cable. For 6 or 12 volt system, \$19.75. For further information circle #184 on Readers Service Card.

\*\*\*

### Trophy Awards

A firm who specializes in trophy awards for all occasions is **Award Incentives**, 200 Williams Street, New York, N. Y. Pictured in the accompanying illustration is the new AAA

(Continued on Page 44)



### The Halligan Tool \*

An "Emergency" Sometimes Is Another Word For "Life or Death"

If the Halligan Tool \* is part of your patrol car's equipment, precious moments may be saved in saving a life. This sturdy instrument is the finest forced entry tool available. From end to end it measures 30". Made of forged steel, this bar has a three-sided combination hook, axe and sledge at one end and crow-bar teeth at the other. It has a 1001 uses.

**M. A. Halligan,** 1505 Metropolitan Ave. New York 62, N. Y.

\* Reg. U. S. Patent Office

For further information circle #15 on Readers Service Card





(Continued from Page 3)

- A. The burden is on the defendant to sustain his alibi by the weight or preponderance of the evidence, but the burden of proving guilt beyond a reasonable doubt is on the prosecution.
- Q. What is meant by judicial notice?
- A. Judicial notice is the evidence of facts, already known to the court and jury, which may be taken cognizance of and acted upon without other proof.
- Q. Must it be proven to a court that whiskey is intoxicating?
- A. No, the court should take judicial notice. However, it must be proven that the substance is whiskey.
- Q. Does the court require proof that the system of fingerprinting is based on science, and that it is widely used for identification purposes?
- A. No, the court should take judicial notice.
- Q. Does the court require proof that a revolver is a deadly weapon?
- A. No, the court should take judicial notice.
- Q. Does the court take judicial notice that an axe is a deadly weapon?
- A. No. It must be proven that it was used as a deadly weapon.
- Q. Has the accused a right under any circumstances to submit evidence before grand jury?
- A. No.
- Q. May the grand jury indict on the evidence submitted by one witness?
- A. Yes.
- Q. Has the grand jury full inquisitorial powers?
- A. Yes, but only to note violations of the law and inquisition of witnesses and not the accused.
- Q. Can a witness be held for contempt if he ignores a grand jury subpoena, and if he appears, refuses to testify?
- A. Yes, except that a witness need not make self-incriminating statements.
- Q. Does misconduct committed in the presence of a grand jury amount to contempt?
- A. Yes, and the offending party may be punished by the court.
- Q. Should a witness give testimony before a grand jury, and before the trial takes place, one of the grand jurors makes public the substance of the evidence, has this juror committed an offense?
- A. Yes, the juror has violated the oath of secrecy and can be charged with contempt.
- Q. Must a crime be substantially proved as alleged in the indictment?
- A. Yes. A defendant cannot be misled in making his defense. He is entitled to know the accusations against him.

## THE Neo-CONVERTER FOR TRAFFIC SIGNALS

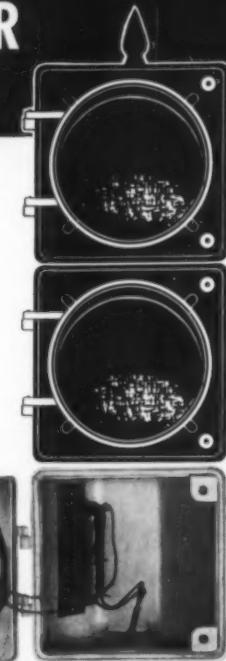
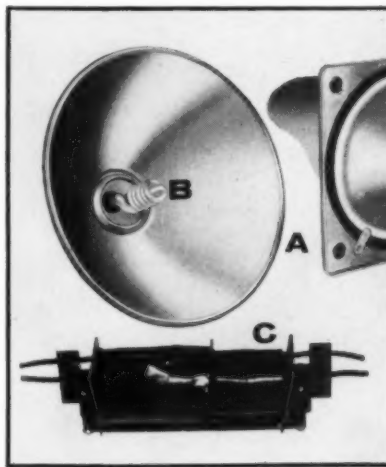
*eliminates changing of incandescent bulbs!*

...convert your present signals to gas vapor tubes which will not burn out.

...Fits all standard 8 3/4" traffic signals

...same color—same brilliance

...complete neo-converter can be installed in 10 minutes time.



### Neo-CONVERTER

consists of:

- (A) reflector (B) gas vapor tube  
(C) Neo-converter with mounting brackets

Price, only... \$14.00 each  
F.O.B. Burbank, California

*order 12 Neo-converters and install them  
at one troublesome intersection today.*

The annoying problem of replacing incandescent bulbs in your signals, especially at inconvenient locations and inconvenient times

..... can be a thing of the past with the Neo-Converter

Write Now for Literature — Dealers Inquiries Invited.

## Neo-Flasher

MFG. CO.

3210 Valhalla Drive  
Burbank, California

For further information circle #33 on Readers Service Card

- Q. Will it constitute a variance if the accused is indicted for robbing John Doe, and at the trial it developed that the crime was committed against John Doe's brother?

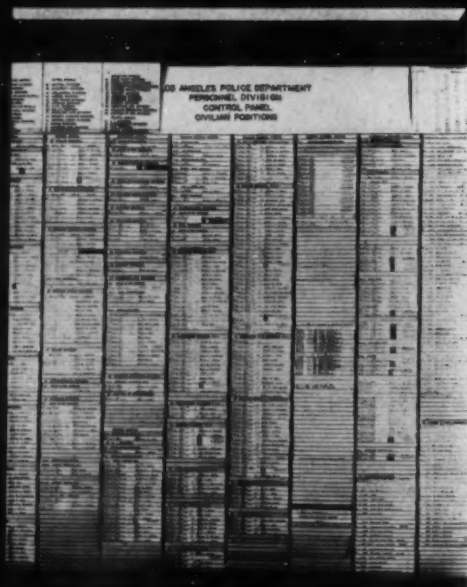
- A. Yes, because the wrong accusation was made.

**Evidence** ..... (From Page 8)  
rule. However it would seem from the Ashcraft case that this rule would be upset on a close reading of the implications of the case.

It is a prime certainty however that statements made as confessions are strange creatures, and in obtaining them everything must be handled with care as has been urged here.

### Random Shot

This is the time of the year when we visit the many police conferences. On August 2 to 5th we will be at the Associated Police Communication Officers Conference at the Hotel Statler in Los Angeles, Calif. If you attend be sure and say "hello"—It's a good way of getting acquainted. We have plans to visit in Pittsburgh, Pa., Elmira, N. Y. and Breton Woods, N. H. If you are a member of any of the associations holding conferences at these places—be sure to visit the LAW AND ORDER Booth.



**T**O MAKE POLICE FILES the single, most powerful weapon in the law enforcement arsenal is a principal aim at all department levels, state, municipal or county, from coast to coast.

Every officer of the law is aware of the chain of events set in motion by a complaint, an arrest, or even a simple summons. His own paperwork is only the beginning. Forms must be filled out and reports made. New files are opened or existing ones expanded. The ramifications are almost endless, especially if an investigation is underway. It seems, with good reason, as if the same clerical effort is involved whether a subject is held overnight or started toward a stiff sentence in the penitentiary.

In a real sense, administration and operations are one and the same; desk work is important as leg work. To-

nesses with only half-formed impressions. The traditional book or panel type of rogues gallery obligingly duplicates getaway conditions by presenting several photographs per page.

With Kardex, however, the photographs are mounted individually on cards in die-cut pockets, only one of which is flipped at a time. Identifying data, fingerprints included, can be posted either on the back of the card or on a separate card in one half of the double pocket. Each pocket has a visible lower edge for name, file number, and the like.

In addition to increasing the chances for a positive identification, the Kardex rogues gallery has the advantage of compactness and rapid accessibility. Since the pockets are mounted on slides which can be removed from their cabinets, only a small portion of the

## The Case History - Fr

morrow's case can break on the basis of today's carefully kept file. In official circles the trend is toward systems and record controls of a type which have proven themselves beyond question in business and industry.

This is borne out by a roundup of some of the major Remington Rand products currently in use by police departments and bureaus throughout the country. Among them are visible record systems, visual controls, vertical filing cabinets, file systems, photographic equipment, and punched cards. All are highly adaptable to law enforcement needs in a variety of ways.

Kardex, the most versatile record of all, has given a new look to the face in the file room drawer. The rogues gallery, despite its effectiveness, has always had a serious drawback. Experienced criminals count on their ability to lose themselves quickly in the crowd, leaving behind excited wit-

nesses with only half-formed impressions. The traditional book or panel type of rogues gallery obligingly duplicates getaway conditions by presenting several photographs per page.

The Portland, Maine, Police Department maintains both criminal record and photograph in each double pocket of the Kardex installation comprising its rogues gallery. The completely modern Yonkers, N. Y., Police Bureau of Identification has a two-section Kardex rogues gallery. The first section houses 8 x 9 pockets to accommodate "posture" pictures; the second 6 x 4 pockets for regular photos and record cards. The filing sequence is by height for both sections.

The Greensboro, Bureau of Identification employs Kardex for its modus operandi records, classified by type of crime. Further breakdowns are by height, sex, and color. The lower half of the pocket houses the record card, the upper half the picture. Finding is an unusually fast operation in this file. The Duluth, Minnesota, Bureau of Identification, established in 1888 and believed to be the second oldest in the country, has used Kardex for its rogues gallery since 1924. Kardex is also used for stolen auto record and by the Chief of Detectives for all criminals within the city of Duluth proper.

The El Paso, Texas, Bureau of Identification selected Kardex for its rogues gallery on the grounds that the record would preserve its contents, speed up reference, and facilitate accurate identifications. Differently colored cards are used to distinguish categories such as local arrests, subject wanted, and criminals confined in institutions.

### (Top to Bottom)

Visual control on Sched-U-Graph over positions staffed by civilians at Los Angeles, Police Department.

"Moniker" file on Kardex at the San Francisco Bureau of Identification.

A Master Criminal Identification with Varidex Guid for quick filing and location.

Close-up of typical Kardex installation with pictures and records of 14,000 criminals at the Kansas Bureau of Investigation.

The Los Angeles County Identification Bureau, third largest in the nation, employs Kardex not only for its rogues gallery, but for all prisoner records, an index of all county law enforcement officers, and frequently consulted reference lists. These are only a few of the agencies with Kardex rogues galleries. There are many others, among them the Washington State Patrol Bureau of Identification and Investigation, the Hampshire County, Mass., Jail Identification Bureau, and the Commonwealth of Massachusetts Department of Public Safety.

Since the rogues gallery is almost invariably broken down by personal characteristics within type of crime, some sort of alphabetical cross referencing is necessary. One of the most widely used is Variadex, whose letter

man reports to his officer, the sliding Graph-A-Matic signal is moved ahead accordingly. If he fails to report, a red signal is moved over his name to indicate that the subject is an absconder and is being sought for return to jail.

Postings to the card are made from the district parole officer's report, and a continuing status report is maintained in this manner.

The Kardex file is alphabetically cross-referenced by means of Linedex, a visible panel containing strips on which are typed name and other data for each parolee. This single typewritten line is packed with information, judiciously coded to show case number, institution, date of imprisonment, date of release, nature of crime, length of sentence, and file location for the all-inclusive record. The Linedex strip is

inal arrest memorandum results in a high frequency of error and is at best a needlessly repetitive process.

Confronted with a vast jump in crimes and misdemeanors among a rapidly growing population, the St. Louis Police Department has installed a Dextrigraph camera to reproduce the arrest record for permanent file. This, together with a revision of forms, has reduced by half the eight separate transcriptions once necessary. The Dextrigraph machine alone permits the Record Bureau to accomplish in two hours what formerly took a typist two days.

Four-part carbon interleaved arrest registers have replaced three arrest forms, the district blotters, cell room books, and bureau cards. The registers are numbered to maintain strict accountability and filled out in one

## From the Records



by K. A. Keegan

Division Manager of  
Government Accounts  
Remington Rand Division of Sperry  
Rand Corp., New York, N. Y.

guides are color coded for fast, accurate finding. Variadex captions come in sets, which are added as the file expands. Previous captions are never discarded, but are retained to subdivide the card file in accordance with its size.

Two further Kardex applications are of particular interest. The San Francisco Bureau of Identification uses the system for a "monicker" file which contains criminal histories by alias rather than real name. This record is filed by Soundex, a method of coding which ties phonetic with actual spelling. Thus, even the approximation of an alias will lead the record clerk to the section of the file which includes all possible variations in spelling. Cards pulled from file bear the true name of the individual, file number, fingerprint classification, age, peculiarities, and many other items.

The Colorado State Parole Department keeps in close contact with some 1800 parolees through the medium of Kardex. Centralized in Denver, the file includes those released from Canon City Penitentiary, Buena Vista Reformatory, and hundreds of out-of-state institutions.

Two Kardex forms, sequenced by case number, are opened for each parolee. These are the pre- and post-parole record respectively. The latter, or chronological history, is signalled to indicate the intervals at which the subject is to report, with a different color denoting whether this is monthly, quarterly, or semi-annually. When a

permanently retained as an index to the file, even after termination of parole.

For all sizes of paper and card records the Aristocrat line of steel cabinets has won a place for itself in many departments. The frames of these sturdy vertical files are welded into a single unit for greatest strength and finished in attractive, glare-free gray-rite. The drawers, which are interchangeable for letter, legal, or card-size documents, are slide-suspended for free and easy movement. The cabinets come in two, three, four or space-saving five-drawer heights, and a number of filing aids are optional to arrange the contents in a manner best suited to the type of file.

Aristocrat files are ideal for current and active case history records, the use to which they are put by the Los Angeles County Identification Bureau. In other locations, such as Pasadena, they house the criminal record package file, cross-referenced to "wants" and vital facts from outside jurisdictions. Equally important is their use for fingerprint files, examples of which are to be found in the Portland Police Department, the Greensboro Bureau of Identification, the New York State Department of Correction, and the Texas and Massachusetts Departments of Public Safety.

Photocopying techniques are doing much today to tighten up booking procedures, an extremely vulnerable target for criticism. The transcribing and re-transcribing of data from the orig-

writing at the time of booking. The original is retained as the district blotter, one copy goes to the arresting officer with blank spaces for his report, and a third becomes the cell room book and property of record.

The first carbon is forwarded to the Record Bureau, where a 3 x 5 section is reproduced by Dextrigraph as an index card. This simple step saves 12 to 14 hours typing once needed to make out and check the cards.

Another agency using Dextrigraph is the Racine, Wisconsin, Identification Bureau. Officials here reclassified their entire fingerprint file into the single print system by means of this equipment and also find it valuable in reproducing bad checks.

Portagraph Transcopy, a device which reproduces documents on direct positive paper without darkroom processing, enables the Kansas Bureau of Investigation to duplicate any kind of evidence pertaining to forgery. The copies are then filed in Chainindex pockets, a version of Karde, under the name of the forged signature.

Traffic departments will be interested in a system instituted by the Municipal Court of Portland, Oregon, to insure the compliance of parking violators. Tickets are made out in triplicate, with the first copy issued to the offending motorist and the second sent to the audit bureau. The third copy is placed in an unusual file for follow-up. The file consists of 1,000 aluminum pockets, numbered from

(Continued on Page 45)



## A black and white photograph showing three items: a dark leather harness or strap with a buckle, a dark leather shoe, and a small rectangular box with a label. The items are arranged on a light-colored, textured surface. The harness is on the left, the shoe is on the right, and the box is in the center foreground. The box has a label with text and a logo, which is partially legible.

**IDENTIFICATION & SHIELD HOLDER.**  
 de to hold shield & Identification card.  
 n be furnished in black or tan leather  
 elvet flap). \$1.50 each



**A10 STATE TROOPER SPECIAL.** Finest 7 oz. bridle, cowhide, with heavy duty hardware. 12 loop model \$9.50, 14 loop model \$10.00



**STAR, one of the lowest priced handcuffs on the market today, made of high grade steel, light weight, 10 oz. pick resistant locks, will not lock till applied on prisoner, with two keys . . . Nickel plated. Price: \$5.95**



**High quality Black 7 to 8 oz.  
Bridle Cowhide leather. Price:  
\$1.50**

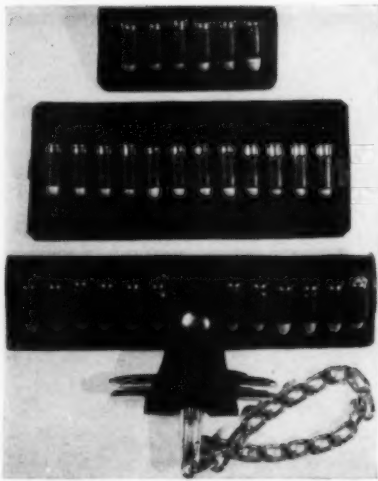


These Sam Browne Belts are made of the best 7 to 8 oz. Bridle Cowhide Leather. These belts can be furnished in black, white or tan leather. When ordering be sure to include waist measurement. Price: \$10 per set for any style revolver. Sam Browne Belt alone—\$6.00



Black or Russet leather available. These first quality, finely stitched holsters, very popular for off duty wear. (Available in both foreign and domestic revolvers or automatics.)

**Price:**  
**Q10 for all 4" barrel revolvers \$3.50**  
**Q11 for all 2" barrel revolvers \$3.00**



Made especially for off duty wear. Can be ordered in black or tan to fit 1 1/4" belt. \$ 35.

**J424A SAM BROWNE BELT CARTRIDGE HOLDER**, 2-piece heavy duty, available with 6 loops \$.85 each, 12 loop \$1.50 each  
**J425 COMBINATION CARTRIDGE HOLDER**. Can be made to fit any belt—specify belt width. 6 loop \$1.25 each, 12 loop \$1.50, Twister \$1.25

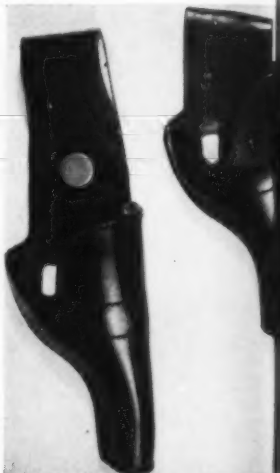


**Velvet lined, completely stitched black cowhide leather. Protect your shield when off duty with this handy case. \$.75 each**



**JAIL CATCH HOLSTER.** Made to fit Sam Browne belt. Spring catch to secure revolver. \$7.00 each

**JAIL CATCH HOLSTER.** Made to fit Sam Browne belt. Spring catch to secure revolver. \$5.50 each



to fit up to 2 1/4" belt. 7 oz. bridle, cowhide, specially for police work \$1.00 each

BE SURE TO INCLUDE WAIST MEASUREMENT WHEN ORDERING BELTS. BE SURE TO INCLUDE MODEL, MAKE, CALIBER AND LENGTH OF BARREL OF REVOLVER WHEN ORDERING HOLSTERS. BE SURE TO INCLUDE CALIBER OF CARTRIDGES WHEN ORDERING HOLDERS. ON ALL ORDERS OF LESS THAN \$10.00 Please enclose 25c to cover postage and handling charges.

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# Weapon-Wise

A Technical Report on Weapons for Law Enforcement



## The High Standard Sentinel

In June of 1954 Weapon-Wise told the story of The High Standard Manufacturing Corporation, its founding by C. G. Swebillius in 1926, its acquisition of the Hartford Arms and Equipment Company in 1932 and the sub-



The new High Standard Sentinel with the 6" 10 ring barrel.

L&O Staff Photo

sequent introduction of the first High Standard handguns. As proof of many statements I made then of the progressiveness of High Standard and its awareness of the needs of the shooter they introduced a new revolver in mid-summer of 1955.

Generally speaking when one of the major handgun manufacturers comes out with what they call a *new* gun it isn't really that. Usually it means an improvement on the same old frame which is far from being anything new. I liken such as that to the little additions to many 'new' cars. It is often the same frame and similar motor with many of the same faults and failures.

For the first time in approximately fifty years we have a new revolver, new from muzzle to butt; a product of high-grade workmanship, modern design, techniques and materials. The best thing about the new High Standard Sentinel is the moderate price tag, \$34.95. In the words of some of the High Standard people the Sentinel was produced to satisfy a heavy demand for a reasonably priced police and civilian defense training revolver along with the fisherman, hunter, trapper, plinker and just ordinary gun lover and the occasional target shooter.

### A FRAME AND SUB-FRAME

The Sentinel is a solid frame, double-action swing-out cylinder revolver, .22 calibre. The frame is made of an aluminum alloy, with a dull matte finish. High Standard designers have taken advantage of the qualities inherent in certain alloys of aluminum, light weight, tensile strength and non-corrosiveness. The frame proper forms the structural support for the barrel and the sub-frame. The sub-frame so called is actually the trigger guard and

frame part of the grip. This sub-frame houses the hammer, hammer spring, trigger, cylinder lock and their associated springs and parts. All of these parts are held in place in the frame by the projecting ends of the hammer pivot pin. The designers of the Sentinel make use of springs of wire, rather than the regular flat springs common to most handguns. As flat springs have a tendency to break and wire do not, this in itself becomes an asset.

Another rather unconventional method of construction has been used in that there is only one screw and one Allen screw (holding the front sight) used in the entire construction of the gun. This lone screw holds the grip onto the sub-frame and once the grip and screw are removed, the gun can be further disassembled by simply driving out pins. A suggestion at this point is that if you have a Sentinel don't take it apart any further than removing the grip, and cylinder. In disassembly beyond this point, you drive out the pins as I said, but in doing this you must drive out the hammer pivot pin which holds the trigger guard sub-assembly in place. In addition to holding the sub-assembly in position the pivot pin also holds all the other parts in position and one loosened the hammer, hammer spring, hammer spring guide and hand spring as well as other parts are freed.

It is easy to take the Sentinel apart but getting it together again is an-

by

David O. Moreton,  
Technical Editor



other question; there are two tricks that are necessary. One is the use of a "slave pin" which is the same diameter as the hammer pivot pin but 1/5 of an inch shorter (.20"). The slave pin is 1/8 of an inch in diameter and .45" long. It should be used in disassembly as a punch to drive out the hammer pivot pin. The Slave pin follows the hammer pivot pin in and holds the hammer, hammer spring, the sand spring as well as other associated parts in place. Being shorter the ends of the slave pin do not project into the holes in the frame; thus the trigger guard subframe and associated parts it contains can be removed as a unit.

It is possible to disassemble the gun without the slave pin but it is impossible to re-assemble it without one so that I agree whole-heartedly with the manufacturer in recommending that it not be disassembled. However even with a slave pin the job is not an easy one. Once together trouble can be encountered, in that you cannot cock it. I found that this could be corrected by keeping the trigger spring plunger from moving too far back. To do this you pull the hammer back to sort of a half cock position as the trigger guard sub-assembly slips into place. Doing

(Continued on Next Page)



The High Standard Sentinel with the 3" barrel photographed on a one inch scale background.

L&O Staff Photo

this swings the trigger spring plunger forward.

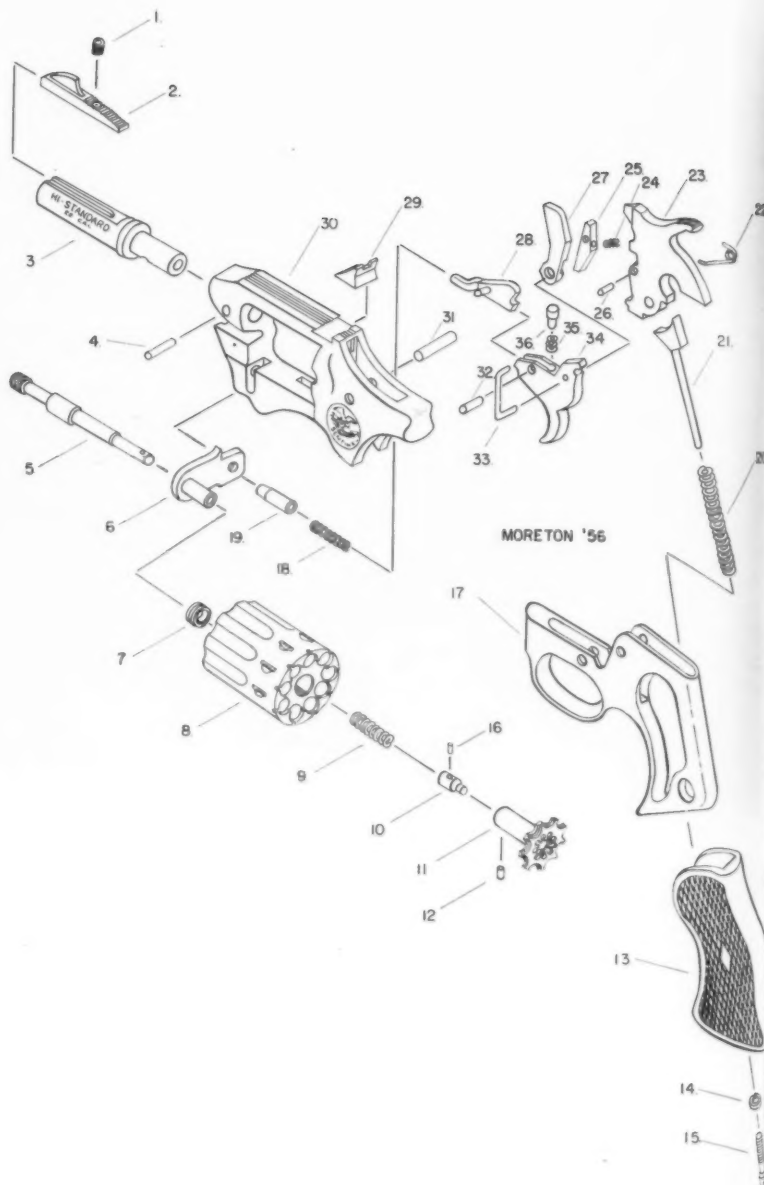
It is relatively simple to remove the cylinder of the Sentinel; just push in the link pivot pin to the rear with a punch far enough to remove the cylinder. This done you can clean the cylinder and its components with ease. Personally I would not go any further in disassembling the Sentinel than removing the grip and cylinder.

The ratchet part of the extractor deserves special mention in that it shows considerable ingenuity in construction. In looking at your regular service or undercover revolver you will note that there are teeth on the face of the extractor. The hand pushes on these teeth to rotate the cylinder and in the course of time they start to show wear and the manufacturing process necessary is far from simple. However in the high Standard Sentinel these teeth have been replaced by a circle of nine holes evenly spaced in the steel of the extractor. The result is simplicity in manufacture and extreme durability in service.

# **PARTS KEY to the drawing of the High Standard Sentinel**

## **Drawing**

Part No.	Part Name
1.	Front Sight Screw
2.	Front Sight
3.	Barrel
4.	Barrel Pin
5.	Ejector Pin
6.	Crane Link and Crane Link Bearing (a unit)
7.	Cylinder Bushing
8.	Cylinder
9.	Cylinder Lock Plunger Spring
10.	Cylinder Lock Plunger
11.	Ejector
12.	Ejector Alignment Dowel
13.	Grip
14.	Grip Lock Washer
15.	Grip Screw
16.	Cylinder Lock Plunger Pin
17.	Trigger Guard—Sub Frame
18.	Cylinder Stop Spring
19.	Link Pivot Pin
20.	Hammer Pin
21.	Hammer Spring Guide Head and Hammer Spring Guide Pin (a unit)
22.	Hand Spring
23.	Hammer
24.	Hammer Pawl Spring
25.	Hammer Pawl
26.	Hammer Pawl Pin
27.	Hand
28.	Cylinder Stop and Cylinder Stop Cross Pin (a unit)
29.	Rear Sight
30.	Frame
31.	Hammer Pivot Pin
32.	Trigger Pivot Pin
33.	Hammer Safety Stop
34.	Trigger
35.	Trigger Spring
36.	Trigger Spring Plunger



## **Description**

Name of Manufacturer—The High Standard Manufacturing Corp.  
 Name of Weapon—Sentinel  
 Caliber—.22 Long Rifle (chambered for)  
 Ammunition—All .22 caliber ammunition regular and high speed (shorts, long and long rifle)  
 Number of Shots—9  
 Type of Action—Single and Double, counter clockwise cylinder rotation  
 Type of Loading—Manual with single stroke multiple ejection  
 Barrel Lengths—3 and 6 inches  
 Overall Lengths—3 inch 8 1/4 inches 6 inch 11 1/4  
 Rifling—Right one turn in 16 inches  
 Bore Diameter—.218 Min. .219 Max.

Groove Diameter—.2245 Min. .2250 Max.  
 Groove Depth—.003  
 Width of Groove—.062—.007  
 Stocks—Diamond Checkered High Tensile Strength Plastic  
 Finish—Blue on Steel and Matte Blue of Aluminum  
 Weight—3 inch 23 1/2 ounces 6 inch 26 ounces  
 Sights—Front Fixed, 1/8 inch ramp Rear 1/8 inch square notch, adjustment is possible for windage  
 Trigger Pull—2 3/4 to 5 pounds in single action—12 to 14 pounds in double action  
 Safety—Automatic, one piece, hammer block, operating directly from the trigger

(Continued on Page 34)



## Dependable power— always ready for action

You have a load of power at your fingertips when your belt is loaded with Peters service cartridges.

There is no more powerful or accurate ammunition in the world than Peters. That's one reason it is specified as stand-

ard by police departments of many leading cities, as well as the nation's foremost law-enforcement agencies.

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## Charles Greenblatt

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For further information circle #14 on R. S. Card

(Continued from Page 32)

Another feature of the Sentinel that deserves more than passing comment is the excellent grip. Even in plastic, which I do not like, it is better than any other factory grip I have handled. Usually a full sized grip is a shade too large for my hand, not so the Sentinel grip. It can be more closely compared to the old single-action Colt. In addition to the comfort of the grip, the frame proper has thumb rests on both sides of the frame so that the grip is equally comfortable for left and right handed shooters.

The Sentinel that I have been using, serial number 157 is the model with a three inch barrel and in this version it is comfortable to carry in the hip pocket, or in any other pocket that happens to suit the owner. I carried it in the woods on a fishing trip to the East Branch of the Saco River in New Hampshire and it was a minimum burden and quite useful in filling the pot. High Standard introduced the Sentinel in three barrel lengths—3, 5, and 6 inches. The 5 inch model has since been discontinued. In the 6 inch version there is a new model that is equipped with what is called a 6 inch "10 ring" barrel and there is no increase in cost. If this new barrel is so much better than the regular model barrels like the one that I have been using, it must be terrific. I have gotten some very tight groups with the three inch model using Remington Kleanbore ammunition. Groups of one inch are common at 50 feet. Groups vary with the various brands of ammunition and I am sure that in another gun another ammo would shoot better. In testing the Sentinel I have fired all makes and types. All function with satisfaction, the Kleanbore performing a bit better. A feature of the cylinder is that the cartridge head fits into a recess in the cylinder and extractor plate. Another point which I was not keen on at first is the doublelatch arrangement that assures alignment of the cylinder and barrel. The cylinder lock plunger and the extractor both

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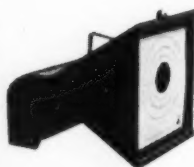
For further information circle #8 on R. S. Card

latch into the frame giving double support front and back to the cylinder. Once accustomed to the spring loaded extractor rod the arrangement is tops.

For the price, in the Sentinel a department can obtain an excellent practice revolver for training rookies and Auxiliary Police officers. I doubt if any other .22 calibre revolver with a swing out cylinder could do the job as satisfactorily. I would not hesitate to recommend the Sentinel for any training program—rookies, auxiliary police or youth. For all the Sentinel is a very satisfactory and economical selection.

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## Irresistible Impulses

by

W. E. Blackwell,  
Prosecuting Attorney,  
Stone County, Miss.

**I**MPULSE NEUROSES or uncontrollable impulse as a criminal defense is recognized in some fourteen states, 173 ALR 391. Frenzy of jealousy or anger, moral, or emotional insanity or passion will not suffice. Irresistible impulse is not considered to be insanity, 43 LRA(NS) 150, yet to excuse the commission of crime it must stem from a disease of the mind. The burden of proving the defense falls on the accused, 70 ALR 659.

Guttmacher and Weihofen, in their "Psychiatry and the Law," published by W. W. Norton & Co., NYC, take the position that irresistible impulse is probably more common in cases of arson and kleptomania, yet paradoxically it is more often raised as a defense to murder where it is highly improbable. They write:

"Serious mental disease impairs all aspects of the psychological organism, and therefore there can be no case of irresistible impulse where the rational functions, including knowledge of right and wrong, are unaffected."

Expert medical testimony is admissible to prove uncontrollable impulse, but the witness must be shown to have made a special study of insanity, or he must have had experience in the care and treatment of the insane. Unless a physician is thus qualified he may not testify as an expert.

The defendant may testify in his own behalf and describe the nature of the impelling force constituting his defense. Other witnesses who have observed the accused may testify as to his conduct, actions and declarations.

Evidence of events and the circumstance at the time or not remotely anterior to the commission of the crime which would have an unbalancing influence on the accused will be received.

In the closing argument for the defense by the late Clarence Darrow in the Leopold-Loeb trial held in the Criminal Court of Cook County, Chicago, Illinois, beginning on August 22, 1924, the following thought provoking observations were made:

"The mind, of course, is an illusive thing. Whether it exists or not no one can tell. It cannot be found as you find the brain. Its relation to the brain and the nervous system is uncertain. It simply means the activity of the body, which is co-ordinated with the brain. But when we do find from human conduct that we believe there is a diseased mind, we naturally

speculate on how it came about. And we wish to find always, if possible, the reason why it is so. We may find it; we may not find it; because the unknown is infinitely wider and larger than the known, both as to the human mind and as to almost everything else in the Universe.

"It has not been so very long since the insane were supposed to be possessed of devils, and since criminals were supposed to be possessed of devils, when wise men solved intricate questions by saying that devils possessed human beings. It has not been so very long since it was supposed that dis-

eased persons were possessed of devils, which must be driven out to cure the disease. We have gone further than this. We understand that there is some connection between the workings of the mind and the working of the body."

## Looking Ahead

Each December issue of **LAW AND ORDER** contains a directory of Police Equipment Dealers. We invite dealers to send us information about their activities.



## Announcing the Model H/M PAK-FONE

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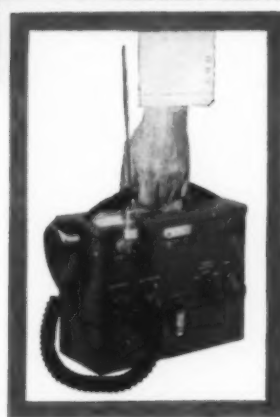
The Model H/M Pak-Fone is being widely accepted by Police and Fire Departments because it does not require holding a handset to the ear. Also, the annoying "rushing" characteristic of other hand carried portables on standby is eliminated by the use of a relay squelch.

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## On The Beat ..... (From Page 19)

like. Of course, no officer puts an untrained volunteer in a hazardous location, and all alert officers use care and judgment in utilizing the help of bystanders.

**Protecting Property.** Still another phase of the job is to protect the property of those involved. For example, some or all of the occupants of a car may be injured, unconscious, or otherwise require removal from the scene. The police must look after their property. Crowds at accidents frequently contain persons eager to make off with unwatched property, such as luggage, cameras, or other items of value.

Almost any accident draws a crowd, or at least some bystanders, and the police officers must be very alert to what is happening. This may seem like an impossible task, when one or two officers must investigate the accidents and take care of the scene. However, a skilled officer develops a knack of looking after the different phases of the job.

## Locate Drivers Involved

One of the most important "first" tasks of the policeman coming to the accident is to locate the drivers of the vehicles involved. This may seem obvious and easy, but often it is not. In this connection, the officer should not be too hasty to assume it is a hit-and-run accident. Simply because he cannot find a driver does not mean the driver has fled. Often, he has gone to a telephone—sometimes a considerable distance away.

Even so, it is important to ascertain as quickly as possible whether or not it is a hit-and-run accident. If so, the officer should immediately take whatever steps constitute his department's hit-and-run accident procedure. We shall discuss this elsewhere in the course of this series. Meanwhile, since most accidents are not hit-and-run, the major work of accident investigation involves drivers who are available at the scene.

**Keep Track Of Them.** The policeman should remember that often, two drivers will decide to settle their differences privately, even amicably, and if possible will leave the scene to avoid further involvement with the police. Sometimes, when an officer comes upon an accident and then goes to a telephone, he finds that the drivers take advantage of his momentary absence. This happened to us once.

We understand that some experts advocate pocketing a driver's license, for the moment, simply to retain his presence at the scene. We are not sure this is the best procedure, but we do know that drivers will not again get away from us. Of course, the general availability of two-way radio is doing away with this possibility.

## Planning An Investigation

Nothing simplifies an investigation quite as much as having a definite plan and then following it. We urge new officers to carry in their notebooks a list of steps to carry out. Years ago we wrote these inside the hard cover of a notebook, so it was available at a glance—until we learned the ropes thoroughly. There are different opinions regarding what to do, but the important thing is to have some plan and follow it.

Once the physical scene is under control, with the injured cared for, and the scene guarded against further accidents, the next major objective is to find out what happened by interviewing the drivers concerned. Now, the officer gets into the basic fact finding task.

(Continued on Page 40)



Gerald S. Arenberg  
Editor

## The National Automobile Theft Bureau

### An Adjunct to Law Enforcement

By William J. Davis  
Secretary and Manager



THE National Automobile Theft Bureau originated in the city of Chicago in the fall of 1912, when a group of sagacious insurance executives, representing eleven insurance companies who had ventured into the automobile insurance field discovered they had problems in common — "automobile theft losses" — and decided it would be in the interest of economy as well as efficiency to attack these problems in unison. Acting on their decision, they formed the Automobile Protective and Information Bureau for the express purpose of serving as a clearing house for information on stolen automobiles to law enforcement officials and insurance companies.

This infant organization was favorably accepted by both law enforcement officials and insurance companies and soon became known popularly as the "A.P. and I.B." The success of the Bureau established at Chicago came to the attention of eastern insurance executives who in turn formed a similar Bureau, which was then known as the Automobile Underwriters Detective Bureau with headquarters in New York City. In a short time a similar Bureau, also known as the Automobile Underwriters Detective Bureau was formed at Atlanta, Georgia. Similar Bureaus were subsequently established at San Francisco, California and at Dallas, Texas.

These five local Bureaus were autonomous in character and remained so until the late 1920's when the National Automobile Theft Bureau was formed, resulting in a consolidation of all of the local Bureaus to operate under the control of a National Governing Board. Each local Bureau retained its original name as a Division of the National Automobile Theft Bureau, and this same arrangement continued until after World War II, when all local Bureau names were discarded and the designation National Automobile Theft Bureau name was universally adopted.

The N.A.T.B. is presently active in the forty-eight states and the District of Columbia, and maintains a branch office with a representative in charge

in Mexico City, to facilitate the return to the United States of stolen motor vehicles, trailers, airplanes or component parts of any of them, as provided for in the Mexico-United States Treaty, ratified by both nations in 1937. The National Automobile Theft Bureau also maintains close liaison with the Canadian Automobile Theft Bureau, to effect the bilateral return of stolen motor vehicles in accordance with provisions of a similar Treaty ratified by the United States and Canada in 1926.

The National Automobile Theft Bureau is supported by associated insurance companies, does not operate for profit, and makes no charge whatever for services rendered to law enforcement authorities.

It is the objective of the National Automobile Theft Bureau to assist the duly constituted law enforcement authorities in the related problems of automobile theft prevention, the recovery and identification of stolen automobiles, and the prevention and detection of incendiary automobile fires.

This is our central objective. Underneath it, like the chicks under the modern hen, are a multitude of supporting or related objectives which are a part of and the means by which we accomplish our overall objective.

Techniques by which we endeavor to achieve these supporting or related purposes and thereby reduce automobile losses are, the assembly and dissemination of reports on stolen auto-

mobiles to law enforcement agencies at state, county and city levels while serving as a clearing house for information, to law enforcement authorities at all levels, on stolen automobiles or cars under suspicion. Any law enforcement officer may avail himself of information in this Bureau's records, relative to any automobile, by communicating with the Chicago headquarters office at 175 West Jackson Boulevard, Chicago 4, Illinois, supplying complete data, make and model, motor, serial or motor vehicle identification or other manufacturer's numbers by which identification may be accomplished. Tracing will be instituted if no record is on file, and ownership information will be furnished to the inquiring authority.

To assist law enforcement officials in the identification of automobiles bearing changed or altered numbers, and the investigation of automobile fires, the National Automobile Theft Bureau maintains a staff of trained Special Agents whose services may be had upon request, and without charge.

Another function of the National Automobile Theft Bureau is the maintenance of close contacts with the automobile manufacturers for the purpose of procuring assembly records and shipping destination data on the

### An Explanation to Readers

A rapidly growing young organization, the National Police Officers Association recently asked LAW AND ORDER if it could provide the vehicle for its monthly messages to its members. As the material would often be of broad interest to all our readers, and as all members of NPOA would also be interested in LAW AND ORDER, it seemed sensible to carry the

NPOA pages in LAW AND ORDER. The Association pays for this service, and all members of the Association receive this publication. However, there is no official connection between LAW AND ORDER and any association. The friendly cooperation being exchanged does not affect the independence of NPOA or LAW AND ORDER. William C. Copp, Pub.



# National Police Officers Association of America

## The President's Notebook

**Benefits of Membership for Law Enforcement Officers**  
The NATIONAL POLICE OFFICERS ASSOCIATION of AMERICA offers a great number of benefits to law enforcement officers who join. Among them are:

- \$500.00 accidental death and dismemberment policy which covers members on or off duty, twenty four hours a day. The insurance alone is worth the investment of the membership dues.
- Family Welfare Plan offers funds to the family of police officers who are members for any emergency that may rise from the death of one of our members not covered by insurance. Funds up to \$100.00 as additional protection is set aside for this emergency.
- Subscription for a full year to LAW & ORDER magazine, the finest law enforcement information printed anywhere in America today. The magazine is written by lay policemen and experts in all fields of police work and police science. Our law enforcement bulletin appears each month in the magazine as an added feature.
- Recognized membership card and a automobile decal (registered) which is only issued to police officers employed full-time. This insignia is an added courtesy while visiting or on duty anywhere in the United States.
- Program to develop a good public relations program to represent our profession. This includes work in establishing a code of ethics, combating the youth problems in the community, obtaining pay increases and other benefits, legislation work in each State and in the Congress of the United States, Safety Awards, Heroism Awards, and many other phases of action in the law enforcement field.
- National Travel Plan now being developed to offer special rates to law enforcement officers on vaca-

tion throughout the United States. This program alone will save the members a great deal of money.

We would like to have every police officer in America as a member. The NPOAA was organized to serve our profession and depends on the support of every law enforcement officer in all fields; city police, sheriffs, deputy sheriffs, park police, special federal agents, and the many other unlisted law enforcement departments of the federal, state, county and municipal governments.

What does it cost? All this protection and program. Only \$5.00 a year. How can the NPOAA run this program without accepting outside contributions. Its very simple. We are a non-profit organization. Officers receive only \$1.00 a year salary as token appreciation.

We urge every interested police officer who desires membership in the most exclusive police association in America to send for a membership application now. We merit your support.

### MEMBERS OF THE BOARD OF ADVISORS

The following law enforcement officers are members of the National Board of Advisors which functions as a supervising and advisory council to the NPOAA:

Chairman: Dr. Lois L. Higgins, Director, Illinois Crime Prevention Bureau.

Members: U. E. Baughman, Chief, United States Secret Service, Washington, D. C.; James Hackett, Deputy Chief, Chicago Police Department; L. L. Priar, Sgt. Pennsylvania State Police (Arson Bureau); William Kipp, Sr., United States Marshall - Northern District; Capt. Jack Johnson, Warden, Cook County Jail, Sheriffs Office; Maj. Gen. Julius Klien, U. S. Senate Special Investigator; Coroner Walter McCarron, Cook County, Illinois; Chief Harry R. Glos, Homicide Division, Cook County, Ill.

### Auto Theft . . . . . (From Page 37)

vehicles they manufacture. At Detroit, Michigan, the capitol of the automobile industry, N.A.T.B. maintains a branch office with a staff specially trained in assembling and channelling this data to its several divisional offices. Direct telephone, teletype and telegraphic facilities between the Detroit Branch Office to all Divisional offices of the Bureau speeds the transmission of this data, which is so vitally important in establishing vehicle identification and ownership information on recovered, but unidentified automobiles, and automobiles under surveillance as suspected stolen vehicles.

Still another N.A.T.B. function is the maintenance of a "salvage car file" to assist law enforcement officials in combating the "salvage car title racket." In this operation the unscrupulous individual purchases the salvage of a late model automobile, wrecked or burned beyond profitable rebuilding, and makes use of the salvage certificate of title received with this purchase to dispose of stolen automobiles of similar make and year model by installing the motor, serial or vehicle identification number plate into or on the stolen vehicle, or by changing the identifying number of a stolen vehicle to correspond with the identifying numbers appearing on the salvage car certificate of title.

The data from which this "salvage car file" is compiled is furnished N.A.T.B. by insurance companies who have paid total losses resulting from collisions and fires. The data contained in this file often proves invaluable in detecting the activities of organized theft rings employing this modus operandi.

Active participation in law enforcement officer training schools, held under the sponsorship of Peace Officer's Association and authorized colleges, is still another function of the N.A.T.B. Instructors on the subjects of automobile theft investigation, automobile theft prevention, and recovery activities are available upon request and without charge for officially sponsored schools. The N.A.T.B. has three sound motion picture films in color which are available upon request. Two are on the subject of automobile thefts, one for showing before law enforcement groups and the other before civic groups. The third is an automobile fire film for law enforcement groups, or responsible civic groups known to be interested in good law enforcement.

We invite the liberal use of Bureau facilities to facilitate the recovery and identification of stolen automobiles and the prevention of automobile thefts.

National Police Officers Association  
Gerald S. Arenberg, Exec. Secy.  
100 W. Chicago Ave.  
Chicago, Ill.

Date .....

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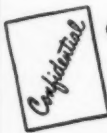
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For further information circle #10 on Readers Service Card

## On The Beat . . . . . (From Page 36)

Assuming there are two drivers (or any other combination of principals, such as a driver and a pedestrian) the first thing to do is to get the story from each one separately.

**Keep Them Apart.** At this stage, what usually happens (where there is a pair of officers) is that one man takes one driver and gets his story and the other officer does likewise with the second driver. Perhaps the best way to do this is for each officer to take "his" driver aside, and interview him as privately as possible.

This takes real skill, because the driver is emotionally upset or at least irritated due to the accident. However, it is vital to do a thorough questioning and fact finding job at this time, because usually the first statement or description a driver gives is the best, from the standpoint of the police and the investigation. After he thinks things over, or talks to others, including possibly his attorney, he may give a different story. As a general rule, the first account is spontaneous and candid, while the second is calculated to be in favor of the driver giving it.

### Getting At The Facts

It is important for the officer to remember that what he is trying to do is to find out what happened. There are different ideas as to how a driver, or a witness, for that matter should be questioned, but basically, a chronological approach impresses us as being the best. In other words, have the driver take you (or you guide him) through a step-by-step account of what happened.

It is helpful to get exact locations, such as where he was at the instant he saw the other car coming toward him, for example. Likewise, the officer must find out what the driver was thinking, what his reactions were to what was going on, as well as what he did about it. This is a big order at times, but doing it step-by-step often is a good approach.

**No Leading Questions.** Just as in other areas of police work, the officer must take care not to put words in the mouth of the driver. Aside from the driver who wants to hold back or distort the facts, there is the problem of the driver who really tries to reconstruct what happened. Leading or suggestive questions may result in inaccuracies, due to his unconsciously being led into certain answers.

After all, in the typical personal injury accident, so much happens in such a short time that few drivers can recall everything without some guidance. The skill of the officer comes in the questioning of drivers to bring out the facts without using leading questions and the like, that would result in unwitting errors of statement of fact by the person being questioned.

### Talking To Witnesses

While the general rules (such as concern leading or suggestive questions) of interrogation also apply to witnesses, the matter of dealing with them is handled a little differently. For one thing, while the drivers are relatively easy to locate, it may take skill to even find witnesses, let alone get them to tell their accounts fully and accurately.

Some people are eager to be witnesses, and may volunteer information simply to get into the act. Often, their statements are unreliable: When they say they "saw" it, what they mean is they turned around and looked—after hearing the crash. Likewise, some persons may have seen the whole thing but will not step forward, so to speak, because for a variety of reasons



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Order

they do not wish to be involved—even as witnesses.

**Approach Them Diplomatically.** Therefore, the officer at the scene must inquire through the crowd, seeking witnesses. He must use tact and skill in talking to people, to avoid antagonizing them. Just what he says will vary with the situation, but the big point is that he cannot bully the spectators and he cannot simply ask generally, "Did anybody see this?" Rather, he must look for likely witnesses, single them out.

Perhaps there is some woman who seems to know all about it, and is talking to others. The officer asks her what happened: "Would you mind telling me what you saw when the two vehicles came together?" Then, she may not have seen it at all, but is pleased that the officer thought she was important. So, she replies like this: "I wasn't here at the time, but the man in that milk truck told me all about it." So then, the officer goes after the milkman, queries him more directly. He does not ask if the man saw it, but politely and affirmatively asks the man to tell what he saw.

### Putting It Together

Volumes have been written on just how to question witnesses. The job is not an easy one, but a good officer soon develops a certain formula or approach and learns how to dig out the witnesses—and get them to tell their stories. He learns what kinds of people are apt to have certain details; boys, for example, usually know all about automobile details.

By the time the officers have talked to the drivers and the witnesses, or least one or two of them, they usually have a fair idea of what has happened. In some cases they have a very clear picture of the accident. At some stage of the investigation (assuming there are two officers, or more) the investigators should take a moment or two and compare their notes.

**Getting The Evidence.** It may be the comparison of their notes discloses a need for questioning drivers and witnesses in greater detail about some conflicting point. Also, it may be that further investigation depends on studying and noting all of the physical factors, such as the roadway, the vehicles, and the like.

Just how far an officer goes in taking photographs, measurements and sketching or noting the various physical conditions depends on the particular accident. The point is that he does whatever is necessary to enhance and complete his investigation. In this connection, it is important to get such details as the exact positions of the vehicles while all the conditions are there. Some things, such as the vehicles themselves, will be moved as soon as possible. Others may or may not be subject to change, such as the position of barricades, saw horses and signs.

**Check Traffic Controls.** A very important precaution is for the officer to check at the time of the accident the condition of traffic control devices. Were the traffic lights actually working? Just how were they working? Were the signs, such as stop signs, in place? Were they readable? Was the paint worn off? Did shrubbery or parked vehicles prevent their being seen? These and countless other questions will suggest themselves.

After all, the case is apt to come up in court, either as a criminal action or a civil suit. The officer who made a proper investigation will have the answers to questions about conditions at the scene. He can say, "Yes, the signal was working. I checked it. The red flashing


(Continued on Page 42)

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**On The Beat** . . . . . (From Page 41)  
lights were to the north and south on both sides. The yellow lights were flashing, to the east and the west."

**Cleaning Up The Scene**

Once the officer has obtained all measurements, photos and the like and has no further need of physically preserving the conditions at the time of the accident, it is important to clear the scene. This means moving the vehicles, if necessary, to positions where they cannot obstruct traffic or contribute to subsequent accidents. Likewise, it means sweeping away the broken glass, picking up metal debris, such as broken bumper guards, and in general making the scene presentable.

Of course, all this assumes that the investigation is complete and that there is no further need of retaining the situation as it was when the accident happened. Obviously, an officer is careful not to sweep away evidence. Further, this assumes that any further questioning of principals and witnesses may take place away from the scene, such as at the police station.

**Formal Action Against Drivers.** Usually, by the time the officers have talked to drivers and witnesses and have completed the physical investigation, they know whether or not a charge will be made against anyone involved. Often, this means that they have sufficient evidence of the violation of some traffic law to justify arresting one of the drivers.

Actually, this gets into a controversial subject. In many departments, it is policy to arrest and prosecute any driver involved in an accident where the in-

vestigation discloses sufficient evidence of some violation to justify such action. In other departments, the policy is not to make the arrest unless the violation was one which, had no accident occurred, and had an officer seen it, the arrest would be made.

But for the man on the beat, the important point is that he is alert to evidence of violation, as disclosed by the investigation, and takes whatever action is appropriate in his situation.

**Following Up The Accident**

A large part of the investigation may take place away from the scene. It may be that drivers or victims are in hospitals and must be questioned there. This situation requires alert action by the officer. He must be ready to question the party as soon as the doctors will permit. At the same time, he must use care in talking to hospitalized persons. He must avoid fatiguing them and at the same time he must be patiently and courteously persistent to get the facts while they are fresh in the mind of the person involved.

Likewise, when the follow-up consists of re-questioning a driver in the police station, the officer must remember to take all suitable precautions, such as would be followed in handling any other type of case. In other words, treat the matter care as when interrogating a probable defendant in a criminal action.

**How Formal To Make It?** Local policy and the facts of a particular case will govern just how the matter is handled at the police station. In general, when the facts are such as to warrant seeking a formal statement from a driver, such as who may be charged with

(Continued on Page 44)



## "Human Relation and the Police"

Reprints are available.

"Human Relations and the Police," the article by Irving B. Zeichner in our April issue, brought forth a wide response from our readers. Typical of many letters was one from a policeman in Americus, Ga., who, in calling for more such articles, wrote that "the public needs to be educated to the fact that the police are human beings as well as protectors."

The article by Judge Zeichner has been reprinted in a number of publications and it is also available in handy leaflet form at no cost to our readers. The Police-Community Relations Program in Philadelphia is using 500 reprints. Write the Community Relations Committee, 386 Fourth Avenue, New York 16, N. Y., for copies.

A word about our Law Editor. Judge Zeichner is serving his second term as municipal court judge. He graduated on the Dean's List at Fordham Law School after obtaining a Bachelor of Arts degree at New York University.

He entered military service a few days after being sworn in as an attorney and served on Guadalcanal in World War II with the Thirteenth Air Force. Since 1946, he has practiced law in his home-town, Atlantic Highlands, N. J., a fishing and boating community with a population of 3,000.

Active in veterans affairs, he served for seven years as Monmouth County Judge Advocate of the American Legion and is a past national director of the Air Force Association. He was special counsel to the Asbury Park Air Terminal and chairman of the Special Committee on Aviation of the New Jersey State Bar Association.

In addition, Judge Zeichner served as Secretary of the New Jersey State Junior Chamber of Commerce and headed his local chapter. He has been one of our editors for the last two years and is a member of the Committee on Police Training and Administration of the American Bar Association.

## State Police Protection

According to a report from the *Civil Service Assembly*, eleven Connecticut towns have contracts with the State Police Commissioner for the services of state policemen, one of whom will be based in each of the towns.

This resident police plan was authorized by legislation that provided for a town having no organized police protection of its own might enter into an agreement for the services of one state police officer. The law specifies that 15 men could be made available for this kind of duty.

## Chicago's Flying Squadron

In a press release, the *American*

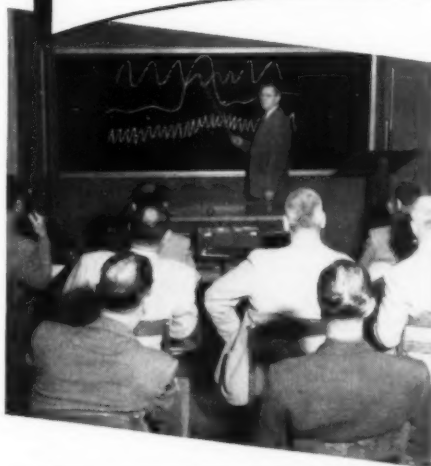
*Municipal Association* says that Chicago, Ill. has a new "flying Squadron" to crack down on crime in full force wherever it pops up in the city.

The newly formed squadron is divided into 20 teams of ten patrolmen and a sergeant. Each team patrols a beat about three to six blocks long in one area. Each team has a traffic man on a three-wheel motorcycle.

The squadron has no permanent beat but operates on roving assignments, being sent to inundate with police those areas where crime rates are high or have shown a rise over what has been average.

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## Wiretap (From Page 21)

605 in order to permit federal law enforcement officers to wiretap in certain cases, particularly those relating to the national security. While wiretapping is a form of eavesdropping and therefore abhorrent to our way of life, it is felt that, subject to effective safeguards, a way must be found to insure the preservation of that way of life without creating an atmosphere in which people would be afraid to talk on the telephone for fear that "someone is listening." The wiretap issue must soon come to a head.

## On The Beat (From Page 42)

a serious offense, the officers take all the precautions they do any other case, such as warning the defendant of the statement being used in court.

Of course, not all accidents justify this type of handling. More often than not a skilled officer can get a driver to write out, or at least sign, a statement at the scene of the accident. Further, a verbal or written statement taken at the scene is best.

Once you get a driver into the station, the atmosphere of formality will cause him to be cautious in making answers. There are times when the officer is better off to rely on a partly complete but signed, written statement taken at the scene, but which represents probably the actual facts, than to try to get a more detailed statement under formal conditions at the station.

(Editor's note: This discussion, as well as a discussion of the handling of hit-and-run accidents, will be continued in the next chapter.)

## Outside Jobs for Police

The problem of policemen working in private jobs during their off-hours is one that many cities have placed a ruling for or against. Recently word came to us via *Civil Service Assembly* that policemen and firemen in Denver, Colo. may continue to work at private jobs on their off-duty hours providing they do not clash with their city duties nor conflict with civilian union members. This decision was made after a meeting of top police and fire officials and private union representatives.

By agreement it was decided at the meeting, if a union complains that a fireman or policeman is keeping a civilian worker from a job, the complaint will go to an arbitration board of police, fire and union officials. If the board honors the complaint, the officer in question must either resign from the force or quit his off-duty job.

A survey taken of outside employment in the police department showed 46% or 287 held private off-duty jobs.

In another city—Cleveland, O.—the Assembly says that a related problem concerns the wish of at least 20 members of the police force to change over to the fire department. The apparent reason for wanting to change is that as firemen they would be able to spend more time on outside jobs.

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## Trophy Awards (From Page 26)

Driver's Education Award. This trophy is offered throughout the United States in conjunction with high school driver's education programs. In New York State about 150 high schools are taking part in the program and



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Law and Order

## Case History (From Page 29)

000-999, each equipped with a progressive signal.

Tickets are filed as received, from front to back, behind the panel whose numbers correspond to the last three digits of the license plate. Several tickets, therefore, may be filed in one pocket, with the progressive signal set as of the date of the oldest ticket written.

No ticket is retained in file longer than seven days from issuance date. When the signal on the pocket indicates that this time has elapsed, the delinquent ticket is pulled and a warrant procured. The signal is re-set to show the issuance date of the next unpaid ticket. The City of Portland has derived added profit from the system, whose entire daily operation requires only minutes.

The Los Angeles Police Department maintains visual control over positions staffed by civilians with a specially adapted Sched-U-Graph board. This wall panel was originally designed to schedule factory man and machine hours over a lineal time scale. Running its full 40' length are 5" high pockets each with a transloid sheath on its lower visible margin to permit the insertion of cards.

By dividing the pockets into shorter lengths, the department has slots for each of its civilian personnel, whose names and titles are listed on cards arranged by section. The board provides a graphic look at the organization in terms of individuals and their functions, and enables changes to be made in a matter of seconds.

Full-scale mechanization has also entered the picture in many cities, notably Houston, Texas. Only a few years ago, after studying punched-card methods in several Pacific coast police departments, the Houston police installed tabulating equipment in its Record Bureau. Officials here stress the importance of scientific crime analysis to the understaffed force. Punched-card reports reveal the spots where a concentration of personnel is needed most. These facts, moreover, are invaluable in answering complaints from people who consider their districts under-protected. Verse, book, and chapter can be quoted to show them that various areas are being policed in accordance with the incidence of criminal activity.

A card is punched for every complaint and arrest. Comprehensive coding, which follows the FBI numbering system, provides a wealth of detail on crimes and their perpetrators. These classifications have proved of tremendous assistance in solving cases from the standpoint of modus operandi. Sorting equipment turns up cards on logical suspects in the shortest possible time. A typical category is entering a drugstore by breaking a small

window at the rear for the purpose of securing narcotics.

Six principal reports are machine-produced monthly; 1) a tabulation of offenses and arrests by ten districts for each of the 24 hours of the day; 2) an analysis of offenses and arrests for each beat within district; 3) the number and types of cases reported and cleared, together with loss reported and recovery made; 4) a comparative statement of Class I offenses by FBI classification, giving totals for this month, last month, and same month last year; 5) Class I offenses committed and cleared by district; and 6) property loss and recovery by district and class of loss.

All this obtained with a minimum of clerical aid and while the data is still fresh.

These are only a few examples of the systems in operation today. From the simplest to the most complex, they represent controls which do much to keep law enforcement a step ahead of lawbreakers, both major and minor. The crime laboratory, with its scientific equipment, has long been accepted without question. The records unit is no less in need of precision tools to achieve the twin objectives of crime prevention and detection.

The modern office aid justifies itself in more ways than one. In addition to the intangible benefits, private business often experiences actual money savings. While the balance sheet for the police agency may be of a different kind, the crime that never happens or the case that is closed with a minimum of effort can also be expressed in terms of profit and loss. Even professional skills of the highest order lose their effectiveness unless backed up by streamlined procedures.

## According To Law (From Page 12)

defend himself, if resisted, even to the taking of life, but if the offender were simply fleeing and not resisting, he had no right to kill. It was thought that to permit the life of one charged with a mere misdemeanor to be taken, when not resisting, but only fleeing, would, aside from its inhumanity, be productive or more evil than good."

The Court also pointed out that the police officer's mistaken belief that the escapee was a felon has been held to be no defense. The law values human life too highly to allow an officer to proceed to the extremity of shooting an escaping offender who in fact has committed only a misdemeanor, or a lesser offense, even though he cannot be taken otherwise.

Next month we expect to have a "honey" of an issue which will be accenting Mobile Patrol and the Winter Uniform. These two subjects combined will make another good reference issue for your files.

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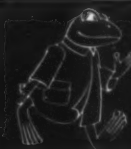
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July, 1956

# From the Editor

AS PREVIOUSLY STATED, the "tools" of a police officer are 98% "know how". Each month this magazine endeavors to add to his store of knowledge. In this issue we have accented "Law".

It matters not how fine and modern your equipment may be nor how skilled you are in catching criminals, if your knowledge of law is too limited, all your efforts may be in vain.

There comes a time when every officer has his "day in court" and if he has given his evidence and worked with the attorney who prepares the case, he can save the taxpayer money and at the same time help indict a lawbreaker. Many times a case is dependent upon the evidence presented by an officer. Knowledge of law is as important a weapon for fighting crime as your gun.

DO YOU REMEMBER the days of not-so-long ago when your buddies used to say "I dare you . . ." and if there was hesitation on your part they'd say "I *double* dare you." Those words were the height—the ultimate—the apex in the manner of challenge. That did it—so you would eat the mud or swallow the goldfish. But even if you didn't there wasn't an everlasting stigma attached to you.

It is different with the youths of today. They have as part of their modern vocabulary a single word that embraces all the disdain and contempt possible to inject into a single word. The word is "chicken". To label a youth as "chicken" is to brand him as an outsider. Many juveniles think the most important thing in life is to be "a member of the crowd" and to prove he "belongs" he will do most anything. There is a well known story of youths in hot rod cars—racing at each other along the center white line of a highway—first one that veered off to prevent the collision was "chicken".

LEE E. LAWDER  
Editor



Even in the first taste of marijuana the smoker is often egged on by the fear of being called "chicken". At all costs he *must* remain a respected member of the crowd.

This sense of value is a complete reversal from the previous generations. There was a time when every individual strived to be outstanding—to rise above the crowd. Nowadays it is almost a crime to be known as a good student. A "brain" is never popular with the "crowd".

If it were possible for us to eliminate the word "chicken" from the vocabulary of youth, a big step away from delinquency would be made.

Each month LAW AND ORDER publishes at least one "working-with-youth" article. All of these articles are based on preventive measures against juvenile delinquency. In almost every case the records show a decrease in juvenile problems due to the guidance and planning of police officials.

What is needed most to solve our juvenile problems is to indoctrinate our youth with an entire new set of values. Naturally the police can not do this task alone. Cooperation from the home is necessary. However, when a police department un-

## Random Shots:

During the course of a year we receive many inspiring pieces of literature, aimed at improving the public's relationship with the police. This week we received a little four page gem entitled "My Guiding Principles" from Chief Francis V. McManus of the New Haven (Conn.) Police Department.

The introduction says it contains 621 words, adapted from proverbs and quotations attributed to famous men whose names are noted. "The thoughts set forth can be extremely helpful to the mental attitude of police officers, thereby increasing their efficiency and improving the public relations of the department." We wish we had space to print it in its entirety but the following is the last principle and is a good example of the substance of the others: "I believe that my profession is never nobler than when services are rendered to the weak and the uncertain, the cast-off and helpless.

To me self satisfaction is sufficient reward for rendering such services (Francis W. H. Adams); for it is my greatest ambition to be truly esteemed by my fellow men by rendering myself worthy of their esteem (Abraham Lincoln). As I expect to pass through this world but once, any good therefore that I can do or any kindness that I can show to any fellow being, let me do it now. Let me not defer or neglect it as I shall not pass this way again (William Penn).

dertakes to train and instruct youth in the many activities of the Junior Police, it may not be amiss to direct their thought into channels that build upright characters.

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